

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

79903

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

MAR 01 2015
Department of Water Resources
Eastern Region

Name of Applicant(s) Fish Haven Water Users Company

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☒ ☐ #10 Other. Please describe: Permit No. 11-7796

79903

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

79903
RECEIVED

MAR 04 2015

Department of Water Resources
Eastern Region

Name of Applicant(s) Fish Haven Water Users Company Phone 208-530-0058

Mailing address c/o David Cottle, 2629 Hwy 89, Fish Haven, ID 83287 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates Phone 208-524-2353

Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

William D Stock
Signature of Applicant or Authorized Representative

William D Stock President 17 Feb 2015
Print Name and Title if applicable Date

David R Cottle
Signature of Applicant or Authorized Representative

David R Cottle Sec/Treas 17 Feb 2015
Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- | | | |
|--|---|--|
| ☐ Change point of diversion | ☐ Add diversion point(s) | ☐ Change place of use |
| ☒ Change nature of use | ☐ Change period of use | ☐ Other _____ |

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Applicant proposes to change the nature of use of a portion of the water right for mitigation of Permit No. 11-7796, owned by Sam's Hollow Water Company. This application is filed as a direct requirement for approval of Permit No. 11-7796.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	11-4022	29.60 cfs	Irrigation	4/15 to 10/31	Spring; Fish Haven Crk
				to	Fish Haven Crk; Bear Lake
		4.51 cfs	Mitigation	4/15 to 10/31	Spring; Fish Haven Crk
				to	Fish Haven Crk; Bear Lake
				to	
				to	
				to	
				to	
				to	
				to	

Total authorized under rights 29.60 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.27 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing diversions and delivery systems will continue to be used for delivery of irrigation water and mitigation water. Each of the five ditch diversions are already equipped with measuring devices for daily monitoring of irrigation and mitigation uses.

- b. Who owns the property at the point(s) of diversion? Existing diversions for Fish Haven Water Users Company

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: NO

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Irrigation will be reduced proportionately with the increase of domestic and commercial use under Sam's Hollow Water Company's permit 11-7796.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

No other water rights are diverted through the same diversions.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/3/2015

WATER RIGHT NO. 11-4022

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FISH HAVEN WATER USERS CO Representative
	PO BOX 117
	FISH HAVEN, ID 83287
	(208)945-2352
	LEON HOWELL
	PO BOX 117
	FISH HAVEN, ID 83287
	(208)945-2352

Priority Date: 05/18/1871

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH HAVEN CREEK	BEAR LAKE
SPRING	FISH HAVEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	29.6 CFS	
MITIGATION	04/15	10/31	3.24 CFS	
Total Diversion			29.6 CFS	

Location of Point(s) of Diversion:

FISH HAVEN CREEK	NWSW	Sec. 14	Township 16S	Range 43E	BEAR LAKE County
FISH HAVEN CREEK	NWNESE	Sec. 15	Township 16S	Range 43E	BEAR LAKE County
FISH HAVEN CREEK	NENWSE	Sec. 15	Township 16S	Range 43E	BEAR LAKE County
FISH HAVEN CREEK	SWNWNE	Sec. 16	Township 16S	Range 43E	BEAR LAKE County
SPRING	SWNWNE	Sec. 16	Township 16S	Range 43E	BEAR LAKE County
FISH HAVEN CREEK	NWSENE	Sec. 16	Township 16S	Range 43E	BEAR LAKE County

Place of Use Legal Description: IRRIGATION BEAR LAKE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
15S	43E	35		SWNE	15		SENE	5						
				NESW	3		SESW	8						
				NESE	23		NWSE	33		SWSE	20	1	SESE	20
16S		2	4	SWNE	25	3	SENE	13						
			2	NESE	27	1	SESE	28						
		10		NWSE	37		SWSE	40		SESE	18			
		11	1	NWNE	16	2	SWNE	9						
				NENW	10	2	SENE	9						
			3	NESW	6		NWSW	40	4	SESW	35			
			3	NWSE	5	4	SWSE	4						
		14	1	NWNE	10	2	SWNE	15						
			1	NENW	40		NWNW	30		SWNW	36	2	SENE	31
			3	NESW	40		NWSW	40	4	SWSW	35			
		22		NENE	40		NWNE	40		SWNE	40	1	SENE	30
				NENW	40		NWNW	13		SWNW	17		SENE	22
				NESW	10		NWSW	20		SWSW	24		SESW	15
			2	NESE	18		NWSE	26		SWSE	38	3	SESE	5
		23	1	NWNW	20									
		27	1	NENE	13		NWNE	15		SWNE	7	2	SENE	10
				NWNW	17		SWNW	6						

Place of Use Legal Description: MITIGATION same as IRRIGATION

Total Acres: 1212

Conditions of Approval:

- Transfer 72318 authorizes a portion of Right 11-4022 for mitigation use in the maximum amount of 3.24 cfs and 132.7 irrigated acres. Irrigation use under this right will be reduced proportionately to the irrigation use associated with the Domestic and Commercial uses of Permits 11-7481 and 11-7491 within Bear Lake Haven Subdivision during the development

period of the Permits. The official record for this water right will be changed upon determination of the extent of beneficial use developed and subsequently licensed under Permits 11-7481 and 11-7491 to show the specific rate and acres permanently removed from irrigation use that will be dedicated solely to mitigation use.

2. Water associated with the mitigation use will continue to be diverted into the Fish Haven Water Users Company's delivery system, however the portion identified for mitigation purposes shall be conveyed to Bear Lake, and irrigation use under this right by Sams Hollow Water Company shall be proportionately reduced.
3. Mitigation use under this right is subject to the continued adherence to the provisions of the water management and operation plan required under Permits 11-7481 and 11-7491.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T20 Approval of this transfer does not confirm the validity of this water right.

Water District Number: 11
Generic Max Volume per Acre: 3.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

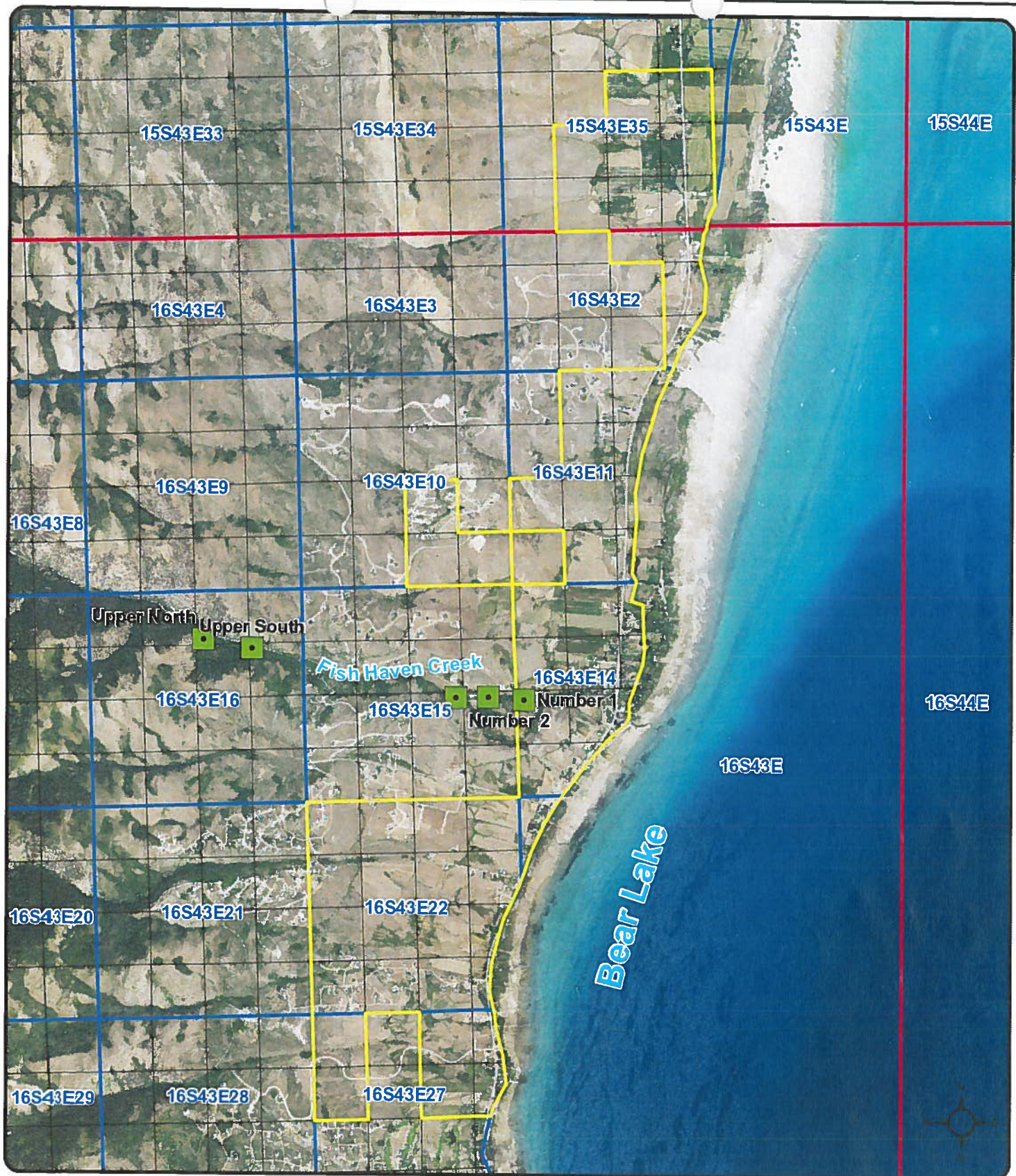
- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 11-4022

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]



- FHWUC POD
- FHWUC POU
- Section
- QQ

2013 NAIP Photography

Attachment #7a

Fish Haven Water Users Company

79903



Change in Nature of Use

This application is required to satisfy the conditions of approval of Permit No. 11-7796 for Sam's Hollow Water Company, a shareholder of Fish Haven Water Users Company. An Amended Water Management and Operations Plan for Mitigation of Sam's Hollow's water rights explains how Fish Haven shares are used for mitigation of Sam's Hollow's portfolio of water rights and the derivation of the number of shares required for mitigation.

Below is an excerpt from the Operations Plan:

"Sam's Hollow Water Company's shares have historically irrigated pasture grass, which consumes 1.18 acre-feet per acre annually. To provide 218.1 acre feet annually for full mitigation, 184.8 acres will no longer be irrigated ($184.8 \text{ ac} \times 1.18 \text{ ac-ft/ac} = 218.1 \text{ ac-ft annually}$). Acres will be dried up gradually with the rate of development."

The depletion value of 1.18 acre-feet per acre was taken from the Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho by Robert W. Hill, P.E., Ph.D., January 27, 2003.

Page 1

State of Idaho
Department of Water Resources

Amended Permit to Appropriate Water

NO. 11-07796

Priority: October 07, 2014

Maximum Diversion Rate: 2.15 CFS

This is to certify, that SAMS HOLLOW WATER CO
595 S RIVERWOOD PKWY STE 400
LOGAN UT 84321

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	2.07 CFS
COMMERCIAL	01/01 to 12/31	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SW1/4 Sec. 2, Twp 16S, Rge 43E, B.M. BEAR LAKE County
GROUND WATER NW1/4NW1/4 Sec. 11, Twp 16S, Rge 43E, B.M. BEAR LAKE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
16S 43E 2									X	X	X	X	X	X	X	X	
16S 43E 10	X	X	X	X	X	X	X	X							X	X	
16S 43E 11			X	X	X	X	X	X	X	X	X	X			X	X	
16S 43E 14			L1	L2											L3	L4	
16S 43E 15	X				X												

PLACE OF USE: COMMERCIAL

Twp Rge Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
16S 43E 11												X			X		
16S 43E 14			X												L4		

State of Idaho
Department of Water Resources

Amended Permit to Appropriate Water

NO. 11-07796

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2020**.
2. Subject to all prior water rights.
3. The irrigation occurring under this domestic use shall not exceed $\frac{1}{2}$ acre within each platted subdivision lot upon which a home has been constructed. Alternatively, an owner of property may divert and use no more than 0.04 cfs and 2,500 gallons per day for all uses he may make on all property he may own in the subdivision. This right does not provide for irrigation of common areas.
4. Domestic use is for 337 homes, 318 condominium units, and 4 commercial units.
5. Mitigation for this permit is accomplished under a joint water management and operation plan developed for water rights 11-7796, 11-7718 and 11-7491.
6. The provisions of the water management and operation plan will be incorporated as conditions of this permit to appropriate water. Failure of the permit holder to adhere to the provisions of the water management and operation plan, including having an active and available officer of the association assigned to oversee the water management and operations plan, is cause for IDWR to issue a notice of violation and/or cease and desist order to the permit holder, and to cancel the permit to appropriate water. The provisions of the water management and operation plan may be amended without amending the water right permit under Idaho Code § 42-211, but all changes must be approved in writing by IDWR.
7. The use of water diverted by Fish Haven Water Users Company under water right 11-4022 for mitigation purposes must be represented by (a) an approved transfer recognizing the change in nature of use from irrigation to mitigation or (b) an approved lease of a portion of water right 11-4022 to the Idaho Water Supply Bank for mitigation purposes. Diversion and use for mitigation without written approval by IDWR will be an illegal diversion of water.
8. To mitigate for the depletion of water resulting from the use of water under the combined use of water rights 11-7796, 11-7718, and 11-7491, and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

<u>Right No.</u>	<u>Use Changed to Mitigation</u>	<u>Mitigation Rate (cfs)</u>	<u>Mitigation Volume (AF)</u>	<u>Mitigation Acres</u>
11-4022	Irrigation	4.51	N/A	184.8

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.

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State of Idaho
Department of Water Resources
Amended Permit to Appropriate Water

NO. 11-07796

10. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of February, 20 15.


GARY SPACKMAN, Director



Amended Water Management and Operations Plan for Mitigation

Water Right Nos. 11-7491, 11-7641, 11-7718, 11-7719, and 11-7796

Sam's Hollow Water Company

February 10, 2015

Introduction

A Water Management and Operations Plan for Mitigation¹ was revised on April 24, 2006 for Sam's Hollow Water Company (hereinafter "Sam's Hollow"). This plan detailed the mitigation efforts for water right nos. 11-7481² and 11-7491 (hereinafter "Permits"). Since the plan was approved, Sam's Hollow has proceeded each year to provide mitigation for the Permits as originally detailed. Annual reports have been submitted by Brockway Engineering P.L.L.C. to demonstrate that the mitigation obligations are met.

The original mitigation plan filed in 2006 obligates Sam's Hollow to divert their Fish Haven Water Users Company (hereinafter "FHWUC") shares, on rotation, down the designated ditches, (Upper North Ditch, Number 1 Ditch and Number 3 Ditch) into a pipeline, which then delivers the measured mitigation water to Bear Lake. After several years of following this original plan, Sam's Hollow, and other parties interested in the natural state of Fish Haven Creek, wish to make mitigation improvements.

The purpose of this amended plan is to propose an alternative means of mitigating the Permits by leaving Sam's Hollow's shares of FHWUC in Fish Haven Creek for delivery of mitigation to Bear Lake. Updated calculations for development and mitigation will also include the newly approved permit no. 11-7796. This plan will also detail accounting of water supply, monitoring, reporting, diversion, depletion, measurement, and water conservation. Not all sections of the existing plan are proposed to be amended; therefore, those sections are included herein as originally described.

Water Supply Available for Mitigation and Monitoring¹

The water supply available to Sam's Hollow for use on the lands of the Bear Lake Haven Subdivision is via shares in FHWUC. These shares can be diverted down any of the three ditches, Upper North Ditch, Number 1 Ditch, and Number 3 Ditch. Each of these diversions is instrumented with water measuring flumes and flow measurements are monitored by either arrangement with Fish Haven Water Users Company staff or by Sam's Hollow at the following times:

- Immediately after water is turned into the ditch in the spring

¹ Text in this section, and others with this footnote, are excerpts from the Water Management and Operations Plan for Mitigation – Revised; Prepared for Sam's Hollow Water Company by Charles E. Brockway, P.E., Ph.D., Brockway Engineering, PLLC, Revised April 24, 2006. Some sections may include additional new text.

² Water right 11-7481 has been split and is renumbered to water rights 11-7641 and 11-7719 (now owned by Canyon Estates Property Owners Association) and 11-7718 (owned by Sam's Hollow). All water rights are mitigated under the same plan and through Sam's Hollow Water Company.

- Before and immediately after the discharge is changed or shut off
- Immediately before the discharge is shut off at the end of the irrigation season.
- The staff gage readings and discharge rating tables will be used to calculate the discharge volume between staff gage readings for filing in the Company office.

Compilations of the historical water available for diversion to Sam's Hollow Water Company through each ditch will be made each month based on the shares applicable to the Sam's Hollow service area. Measurements and historical monthly water availability will be made each year for the irrigation season.

Build-out of the subdivision will likely occur over at least 10 years and a database of Fish Haven Creek diversion will be compiled. The seasonal water availability for Sam's Hollow will be compared with selected snow course data and/or Bear River forecast data to determine indicators of expected water availability for pending irrigation seasons. A determination will be made by April 1 of each year as to the estimated water available for mitigation for the pending irrigation season. An estimate of expected depletion from the project ground water based on the number of units on-line for the next season will be made by April 1 of each year using procedures approved in the Bear River Ground Water Management Plan.

The president of Sam's Hollow Water Company will be responsible for securing measurements on water diversions from Fish Haven Creek, either from FHWUC or by continual measurement by Sam's Hollow of diversion discharge in the event the FHWUC fails to continue the monitoring program. Sam's Hollow instituted a flow measurement protocol for the Fish Haven ditches and will continue to monitor these ditch flows if FHWUC fails to continue the water measurement program and provide the flow data to Sam's Hollow. In addition to measuring diversion discharge, Sam's Hollow is also responsible for monitoring the return flows to Fish Haven Creek as described below. The President will be responsible for providing measurement of well discharge and volume flows within the water supply system. The Manager will operate the mitigation return system and collect the measurements to assure that the required mitigation water is being returned to Bear Lake.

Reporting¹

The President of Sam's Hollow Water Company will continue to be responsible for monitoring and management of the water system and mitigation system. An annual report will be prepared, which will include the following elements:

- The number and type of units being served by the water system
- Monthly and annual water use by each of the wells in the system
- Monthly and annual water received under shares at each ditch diversion from Fish Haven Water Users Company
- Irrigated acres within the project
- Estimated annual depletion attributable to the project
- Measured flow returned to Bear Lake via the bypass at Upper North Ditch, Number 1 Ditch, and Number 3 Ditch

This report will be submitted to Idaho Department of Water Resources and made available to members of Sam's Hollow and FHWUC.

Mitigation Water Return System

Under the current mitigation plan, water is diverted through the three available ditches and taken in turn at the normal points of diversion along each ditch. At the present level of build-out, all mitigation water is conveyed through a pipeline at the end of the Number 1 Ditch, where it is measured and returned to Bear Lake. Water is only sent to Bear Lake during Sam's Hollow's normal rotation periods as established by customary operating practices. As build-out progresses and additional mitigation water is needed, additional pipes will be required from the upper two ditches under the existing mitigation plan.

This amended plan proposes to change the current methods of returning mitigation water to Bear Lake. The mitigation water will be diverted at the ditch diversion as usual, at the beginning or end of a normal ditch rotation period, and returned immediately to the creek via a bypass pipe. A ramp flume and measuring device are installed on the bypass pipe to allow for monitoring of the return flow, which will record the amount of water being attributed to mitigation. Operation and measuring directions for bypass pipe from McMillen Engineering are included in Appendix A.

Ensuring Non-Diversion of Mitigation Water

Fish Haven Water Users Company diverts through five ditches, as shown on the map in Appendix B, in downstream order: Upper North, Upper South, Number 2 Ditch, Number 3 Ditch, and Number 1 Ditch. Sam's Hollow diverts their shares through the Upper North, Number 3 Ditch, and Number 1 Ditch. There are no other diversions on Fish Haven Creek between the Upper North Ditch and Bear Lake.

The Number 1 Ditch, the most downstream diversion, will be the primary diversion for measuring mitigation water. There are no downstream diversions from the Number 1 Ditch that can re-divert the water dedicated to mitigation before it discharges into Bear Lake.

If perchance another ditch is required to be used temporarily, FHWUC agrees to bypass the volume of mitigation water at each downstream diversion when Sam's Hollow's shares are in rotation, during which time, mitigation quantities will be communicated to downstream diversions. This agreement can be found in Appendix C; it is called "First Amendment to Fish Haven Water Users Company and Sam's Hollow Water Company Agreement" dated December 18, 2013. A second amendment, also found in Appendix C, increases the number of shares with which Sam's Hollow can use for mitigation.

Mitigation Depletion Calculation

The volume of mitigation water required to be returned to Bear Lake will depend on the number of units currently connected to the water supply system. The procedures³ explained in the existing mitigation plan, found in Appendix D, to determine the mitigation volumes will continue to be used. A copy of the original procedures⁴ pertaining to Phases 1 and 2 can be found in Exhibit C of the Settlement Agreement between Sam's Hollow Water Company and Pacificorp in Appendix E.

³ Procedures outlined in Narrative in Support of Application for Permit No. 11-7796, Sam's Hollow Water Company, Phase 1 and 2 (Recapture) and Phase 3, September 23, 2014.

⁴ Procedures outlined in Exhibit #14 of the hearing, Narrative in Support of Application for Permit, Sam's Hollow Water Company Phase 1 and Phase 2, revised October 7, 2003.

Flow Measurement Sites¹

Discharge and flow measurement sites are already equipped with approved measuring devices. Measurements will be made on all wells, all ditches from Fish Haven Creek, and all bypass pipes returning flows to Fish Haven Creek.

Notification¹

By May 1 of each year, a determination of the adequacy of available mitigation water will be made and, if the estimated depletion exceeds the estimated available supply, the members will be notified by Sam's Hollow Water Company of the need to implement conservation measures. This notification will be by registered mail to each member outlining the measures to be implemented.

Conservation Measures¹

In the event conservation measures have to be implemented, Sam's Hollow Water Company will determine the required measures based on estimated depletion calculated using the Ground Water Management Plan guidelines (Exhibit #14) and the estimated available water for mitigation from the canal system. Specific measures will be determined at the time and can include:

1. Curtailment of additional crop irrigation
2. Full or partial curtailment of landscape irrigation
3. Reduction or curtailment of water use for any recreational or aesthetic facilities

Enforcement of any conservation measures will be performed by the Manager as dictated by the Board of Sam's Hollow Water Company.

This Fish Haven Water Users Company water right is a statutory claim (11-4022). This claim is for beneficial use for diversion of 29.6 cfs for irrigation of 1212 acres with a priority date of May 18, 1871. This claim has not been adjudicated by the Idaho Department of Water Resources. Mr. Pete Peterson, Watermaster for the Bear River, indicated that in the Bear River system, natural flow rights with priority of May 18, 1871 have never been cut off. Sam's Hollow Water Company has 272 shares or 21.2 percent of the reported 1283.02 shares of Fish Haven Water Users Company applicable to approximately 250 acres of irrigated land within the project. It is estimated that Sam's Hollow Water Company would have to provide 218.1 acre feet annually returned to Bear Lake to mitigate for the full project (Phase 1 and Phase 2, recaptured, and Phase 3) build out.

Sam's Hollow Water Company's shares have historically irrigated pasture grass, which consumes 1.18 acre-feet per acre annually. To provide 218.1 acre feet annually for full mitigation, 184.8 acres will no longer be irrigated ($184.8 \text{ ac} \times 1.18 \text{ ac-ft/ac} = 218.1 \text{ ac-ft annually}$). Acres will be dried up gradually with the rate of development.

In the event the water available to Fish Haven Water Users under statutory claim #11-4022 is modified, the appropriate changes in the mitigation plan will be determined and incorporated. Ample time will be available to secure additional water for mitigation either from additional shares in the Fish Haven system or other transfers since full build out may take 20 years. If additional water for mitigation is necessary but not available in a timely manner, annual ground water use by the project will be curtailed

to assure compliance to the mitigation plan. This could entail, at a minimum, ground water extraction only for in-house use.

Amended Water Management and Operations Plan for Mitigation
Sam's Hollow Water Company

Appendices

- A. McMillen Engineering Memo
- B. Fish Haven Water Users Company Diversions - Map
- C. First and Second Amendments to Fish Haven Water Users Company and Sam's Hollow Water Company Agreement
- D. Narrative in Support of Application for Permit No. 11-7796, including Updated Depletion Analyses for Existing Connections and Proposed Connections at Full Development
- E. Settlement Agreement between Sam's Hollow Water Company and Pacificorp

SCANNED
MAR 13 2015

79903

Amended Water Management and Operations Plan for Mitigation
Sam's Hollow Water Company

Appendix A

McMillen Engineering Memo
On Fish Haven Bypass Flume Measurement

SCANNED

MAR 13 2015

79903

To:	Trout Unlimited	Project:	Fish Haven Creek
From:	Dan Axness, PE McMillen Engineering, LLC	Cc:	Mort McMillen, PE Collin Turbert, EIT
Date:	March 23, 2011	Job No:	
Subject:	Fish Haven Bypass Flume Measurement		

PURPOSE

The purpose of this technical memorandum is to describe how to use the installed flume measuring devices on the Fish Haven fish screen bypass pipes.

BACKGROUND INFORMATION

Fish Haven Creek is located in Bear Lake County in the southeastern corner of Idaho to the west of Bear Lake. Historically, Fish Haven Creek has been an important spawning tributary to Bear Lake for Bonneville Cutthroat Trout (BCT), the only native trout species to the system. Before the project there were multiple migration barriers in Fish Haven Creek that restricted the ability of BCT to migrate upstream and spawn. In order to remedy this problem and improve passage conditions in Fish Haven Creek, five new fish screens and improvements to the existing diversion structures were designed and constructed at existing irrigation diversion sites. The fish screens were designed to allow fish to pass upstream or downstream while ensuring that fish do not enter the irrigation ditches. If the fish enter the screen structure they are diverted into the bypass pipe and back into the stream.

BYPASS FLOW MEASUREMENT PURPOSE

A ramp flume and measuring device slot was installed at the ends of the bypass pipes for all five screens. These devices were installed to allow easy and accurate measurements of the flow rate of the water returning to the channel through the bypass pipe for fish passage. By placing a data logger in the measuring device slot the flow rate of the water in the bypass is able to be determined. It is important to monitor this parameter to insure that the bypass pipe is meeting criteria for the amount of water being returned to the channel after being diverted. Please contact Kirk Dahle at Trout Unlimited if the amount of diverted water is not meeting the established criteria at 435-755-7140.

HOW TO USE THE DEVICES

The designed ramp flume allows us to determine the bypass flow rate based on the height of the water upstream of the flume at the data logger. The TruTrack WT-HR data loggers are able to take readings of the water height at any desired time interval. Figure 1 shows a schematic of the layout for the ramp flume with the data loggers being placed at the gaging station. As the figure shows in order to determine the height of the water above the flume (h_1) at the gaging station the variable p_1 needs to be determined. To do this the bypass channel flow needs to be limited so that barely any water is going over the flume. Once this is established the data loggers should be used to determine the water height at that time, which will be the value of p_1 . Once this value has been determined all future water heights taken from the data logger should have p_1 subtracted from them in order to determine h_1 .

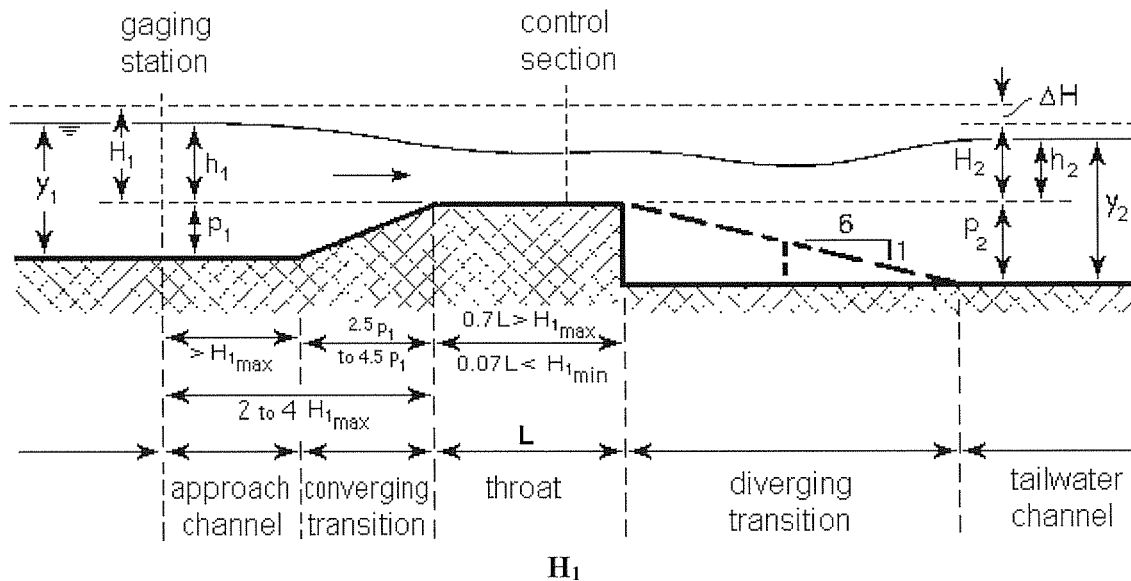


Figure 1 – Flume Setup Definition Sketch

Table 1 lists the various flow rates based on the height of water above the flume (h_1) upstream at the data loggers.

Table 1 – Discharge Based on Depth

Height at Gage, h_1 (FT)	Flow Rate (CFS)	Height at Gage, h_1 (FT)	Flow Rate (CFS)	Height at Gage, h_1 (FT)	Flow Rate (CFS)
0.10	0.08	0.29	0.50	0.48	1.18
0.11	0.10	0.30	0.53	0.49	1.22
0.12	0.11	0.31	0.56	0.50	1.26
0.13	0.13	0.32	0.59	0.51	1.30
0.14	0.15	0.33	0.62	0.52	1.35
0.15	0.16	0.34	0.65	0.53	1.39
0.16	0.18	0.35	0.68	0.54	1.44
0.17	0.20	0.36	0.72	0.55	1.48
0.18	0.22	0.37	0.75	0.56	1.53
0.19	0.24	0.38	0.79	0.57	1.57
0.20	0.26	0.39	0.82	0.58	1.62
0.21	0.29	0.40	0.86	0.59	1.67
0.22	0.31	0.41	0.90	0.60	1.71
0.23	0.33	0.42	0.94	0.61	1.76
0.24	0.36	0.43	0.97	0.62	1.81
0.25	0.39	0.44	1.01	0.63	1.86
0.26	0.41	0.45	1.05	0.64	1.91
0.27	0.44	0.46	1.09	0.65	1.97
0.28	0.47	0.47	1.13	0.66	2.02

The following steps outline how to set up and use the data loggers:

- 1) Install and start the OmniLog software which can be downloaded from http://www.trutrack.com/omnilog_download.html
- 2) Connect the download cable (provided) to the logger and connect it to a spare Comm Port on the computer and start the OmniLog Software
- 3) Select the Start Logger tab of the Logger Control function and select the parameters desired (sample period, when to start, stop when full or loop etc.)
- 4) Disconnect the data logger from the computer and place in the flow measurement slot on the bypass pipe
- 5) Once the selected time period has expired retrieve the data logger and reconnect it to the computer as described in step 2
- 6) Select the Download tab of the Logger Control function
- 7) Make sure the correct parameters are selected and press download data
- 8) Review the data and use the above table to determine the corresponding flow rates

The user manual should be referenced for clarity on the above mentioned steps. It is important to intermittently check the device to make sure that there is no debris stuck on the data logger and that the ramp flume is also clean of debris.

SCANNED

MAR 13 2015

79902

**APPENDIX A
- PHOTOS -**



Photo 1 – Bypass Pipe with Flume and Flow Measuring Device Slot

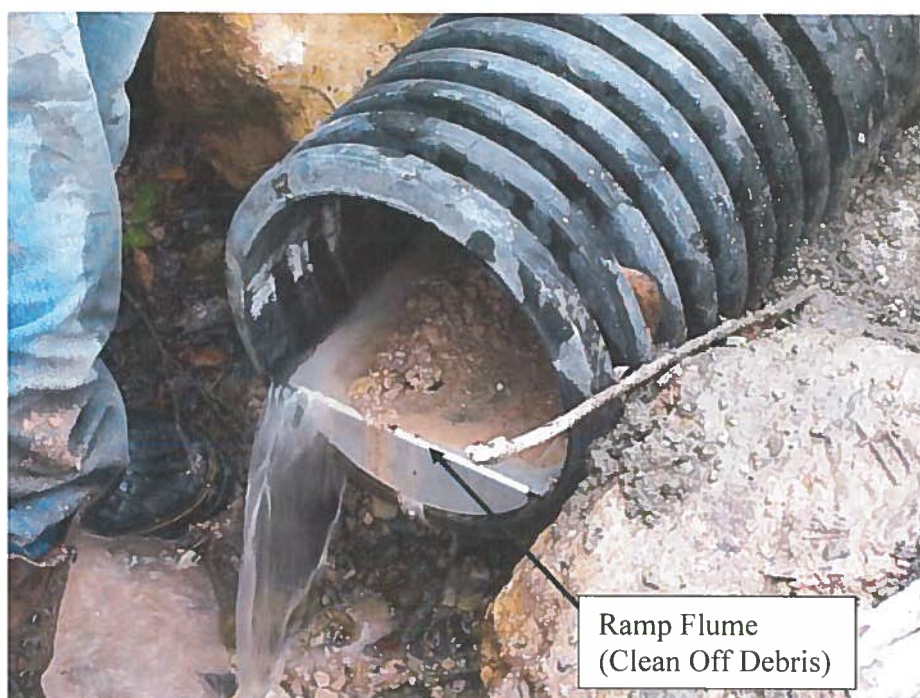
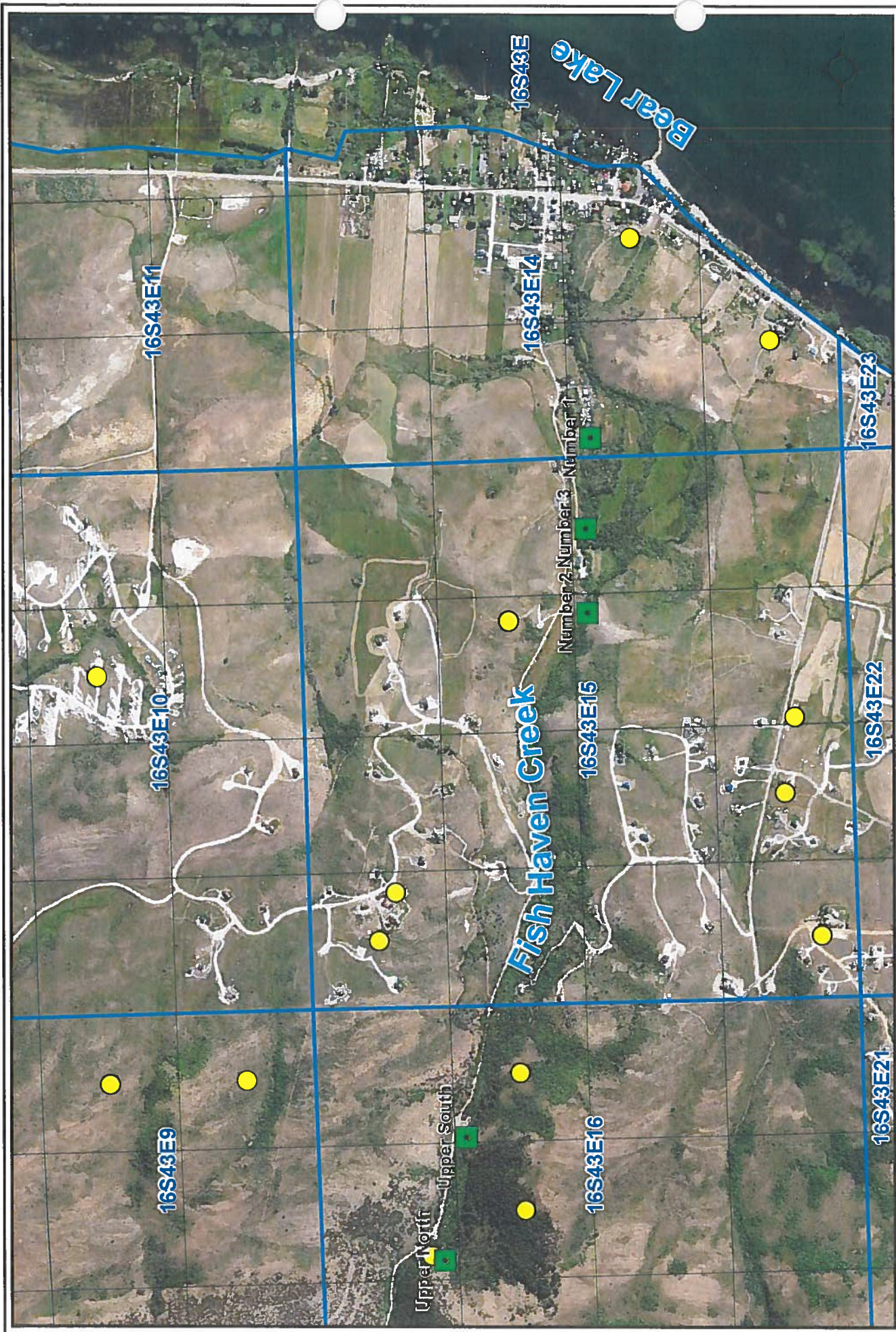


Photo 2 – Bypass Pipe Flume

Amended Water Management and Operations Plan for Mitigation
Sam's Hollow Water Company

Appendix B

**Fish Haven Water Users Company Diversions
on Fish Haven Creek**



- FHWUC POD
- WR POD
- QQ
- Section

Fish Haven Water Users Company Diversions on Fish Haven Creek

0 400 800 1,600 Feet

2011 NAIP Photography



Amended Water Management and Operations Plan for Mitigation
Sam's Hollow Water Company

Appendix D

**Narrative in Support of Application for
Permit No. 11-7796, including Updated Depletion
Analyses for Existing Connections and Proposed
Connections at Full Development**

**FIRST AMENDMENT TO FISH HAVEN WATER USERS COMPANY AND
SAMS HOLLOW WATER COMPANY AGREEMENT**

THIS FIRST AMENDMENT (the "Amendment") is made and entered into this 12th day of December, 2013, by and between the Fish Haven Water Users Company, an Idaho corporation (the "Company") and Sam's Hollow Water Company, an Idaho corporation ("Developer"). "Project" refers to the development served by the Sam's Hollow Water Co.

RECITALS

- A. On March 14, 2002, the Company and the Developer entered into an agreement (hereinafter "Agreement") that permitted the Developer to use its shares of the Company for mitigation purposes, provided the Developer complies with all of the terms of the Agreement.
- B. Developer acquired water right permit nos. 11-7481 and 11-7491 through the Idaho Department of Water Resources. A mitigation plan was submitted along with the permit applications that proposed using the Company shares from Fish Haven Creek as mitigation for depletions caused by ground water pumping.
- C. The mitigation plan proposed diverting the shares in the ordinary course of water delivery as established by customary operating practices. Developer is responsible for measurement, delivery, and reporting of the shares once diverted into the Fish Haven conveyance system.
- D. The Developer, through a joint effort involving The Reserve LLC, the Company, Trout Unlimited and Bear Lake Watch, Inc. has designed, developed and implemented improvements to all 5 Ditches of the Fish Haven Water Users Co. These improvements include fish friendly diversions, new headgates and bypass returns installed with flow measuring devices.
- E. These improvements provide multiple benefits to the Fish Haven Water Users Co., Bonneville Cutthroat Trout restoration efforts and the local community;
- F. The stream gauging and recording devices installed as part of these improvements also accurately measure the water diverted at each of the five ditches and the water returned to the Creek below each diversion.
- G. Lower Fish Haven Creek runs dry during a portion of the irrigation season, which is a concern to several entities.
- H. An alternate mitigation plan has been considered, where all parties with interest in Fish Haven Creek may be satisfied.

AGREEMENT

NOW THEREFORE, In and for the mutual promises of the Parties and other good and valuable consideration, the parties agree as follows:

- 1. Usage of Water (Amendment to Agreement Item 2b).

An acceptable method of returning mitigation water directly to Bear Lake is to leave the water in Fish Haven Creek in lieu of piping it to the lake.

2. Delivery of Water (Amendment to Agreement item #3).
 - a. Mitigation water shall be delivered to the Company's existing headgates, measured, and returned through a pipe, in rotation according to the Company's normal operating practices. It shall be the Developer's sole responsibility to cause adequate mitigation water to be left in Fish Haven Creek. The volume of such mitigation water shall be determined by the Developer and communicated to and coordinated with the appropriate Ditch Director. With the concurrence of Developer and Ditch Director, and with input from shareholders on the appropriate ditch, the mitigation water may be left in the creek at the beginning or end of the normal rotation for that ditch.
 - b. Water left in Fish Haven Creek for the purposes of mitigation is not for use by any downstream ditch for irrigation. Such volume of mitigation water must be bypassed at each diversion and recorded at each downstream stream gauging and recording device to meet the Developer's requirements with IDWR and the intent of the improvements made to the diversions.
3. Obligations of Developer (Addendums to Agreement item #5)
 - a. Developer shall be responsible for proper operation and maintenance of stream gauging and recording devices.
 - b. Should the present stage recorders, which accurately measure up to 2 cfs, be deemed by the Company to be inadequate to measure the amount of mitigation water required at full build out by the Sam's Hollow Mitigation Plan, the Developer agrees to install stage recorders with the capacity to accurately measure the required mitigation flow.
4. The Recitals and sections of the 2002 Agreement, not herein amended, remain pertinent and binding.
5. The Developer will modify their Agreement with PacifiCorp and their Operations Manual and Mitigation Plan with Idaho Department of Water Resources (IDWR) to reflect this Amendment in order to keep all reporting and monitoring requirements current.
6. The Developer will continue to make annual reports to Company, IDWR and PacifiCorp.
7. Authority of the Parties. With regard to corporate parties, the persons signing this Amendment warrant that they have full authority to do so and that their corporation has undertaken and obtained whatever corporate formalities and approvals are necessary to enter into this Amendment.
8. Binding Effect. All of the terms, conditions and covenants of this Amendment shall be binding upon the parties and shall inure to the benefits of all successors and assigns of the parties hereto.
9. Multiple Counterparts. This Amendment may be executed in multiple counterparts, which taken together shall constitute one and the same document.

10. Conflicting Provisions. In the event that any provision of this Amendment conflicts with the existing provisions of the Agreement, the parties agree that the terms of this Amendment shall govern and control.

IN WITNESS WHEREOF, the parties have entered into this Amendment effective as of the date first set forth below.

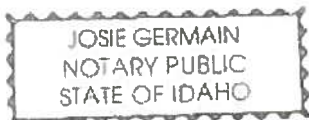
FISH HAVEN WATER USERS COMPANY

By William D. Stock
_____, President

State of Idaho
County of Bear Lake : ss

On this 10 day of January, 2014, before me, the undersigned Notary Public, in and for said State and County, personally appeared William D. Stock, known or identified to me to be the President of Fish Haven Water Users Company, whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Company, and further acknowledged to me that said Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.



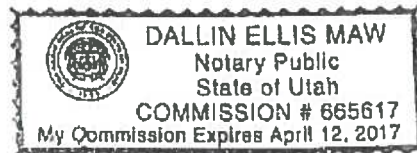
SEAL

Josie Germain
Notary Public
Residing at: Bear Lake County
My Commission Expires: 2/16/2019

SAM'S HOLLOW WATER COMPANY

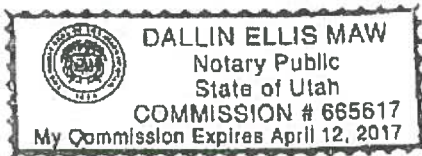
By [Signature]
JOEL LARSON, PRESIDENT

State of UTAH
County of Cache



On this 18 day of December, 2013, before me, the undersigned Notary Public, in and for said State and County, personally appeared Joel Larson, known or identified to me to be the President of Sam's Hollow Water Company, L.L.C., whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Company, and further acknowledged to me that said Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.



SEAL

Dallin Maw
Notary Public
Residing at:
My Commission Expires: Apr. 12, 2017

**SECOND AMENDMENT TO FISH HAVEN WATER USERS COMPANY AND
SAMS HOLLOW WATER COMPANY AGREEMENT**

THIS SECOND AMENDMENT (the "Amendment") is made and entered into this 5th day of Sept., 2014, by and between the Fish Haven Water Users Company, an Idaho corporation (the "Company") and Sam's Hollow Water Company, an Idaho corporation ("Developer"). "Project" refers to the development served by the Sam's Hollow Water Co.

RECITALS

- A. On March 14, 2002, the Company and the Developer entered into an agreement (hereinafter "Agreement") that permitted the Developer to use its 140.5 shares of the Company for mitigation purposes, provided the Developer complies with all of the terms of the Agreement.
- B. Developer acquired water right permit nos. 11-7481 and 11-7491 through the Idaho Department of Water Resources. A mitigation plan was submitted along with the permit applications that proposed using the Company shares from Fish Haven Creek as mitigation for depletions caused by ground water pumping.
- C. The mitigation plan proposed diverting the shares in the ordinary course of water delivery as established by customary operating practices. Developer is responsible for measurement, delivery, and reporting of the shares once diverted into the Fish Haven conveyance system.
- D. The Developer, through a joint effort involving The Reserve LLC, the Company, Trout Unlimited and Bear Lake Watch, Inc. has designed, developed and implemented improvements to all 5 Ditches of the Fish Haven Water Users Co. These improvements include fish friendly diversions, new headgates and bypass returns installed with flow measuring devices.
- E. On December 18, 2013, the Company signed the First Amendment to Fish Haven Water Users Company and Sam's Hollow Water Company Agreement ("First Amendment"). This authorized Sam's Hollow to change the conveyance of the measured mitigation water to leave it in Fish Haven Creek.
- F. An alternate mitigation plan was submitted to Idaho Department of Water Resources, amending the conveyance of mitigation water as agreed in the First Amendment.
- G. Proof of Beneficial Use was due by May 1, 2014 for permit nos. 11-7481 and 11-7491, and their respective water right splits (these rights are now known as 11-7719, 11-7641 (owned by Canyon Estates), 11-7718, and 11-7491 (owned by Sam's Hollow)). Sam's Hollow has stubbed-in 145 connections under their existing permits, not including those developed within The Pointe. The remaining connections are lost under these permits since they have not been developed within the allotted time.
- H. Additionally, Sam's Hollow has acquired more lands on which the water system will be developed that will increase the net water use by 200 homes and 62 condominiums above the original permits.

- I. A new application for permit will capture the homes under the original permits that were not developed and to acquire water rights for the new lands. Mitigation will be provided through the use the Company's water right on Fish Haven Creek as already been established. Calculations show that Sam's Hollow may need up to 196 shares of the Company's right to mitigate for the full Project described under the existing and proposed permits.

AGREEMENT

NOW THEREFORE, in and for the mutual promises of the Parties and other good and valuable consideration, the parties agree as follows:

1. Use of Shares for Groundwater Mitigation (Amendment to Agreement Item #1)
The Company consents to the use of up to 196 shares to meet such mitigation or replacement requirements as may be imposed by the IDWR in connection with the Project, subject to the various provisions of this Amendment and the provisions and conditions set forth in the Agreement and the First Amendment.
2. The Recitals and sections of the 2002 Agreement and the First Amendment, not herein amended, remain pertinent and binding.
3. The Developer will modify their Agreement with PacifiCorp, if necessary, and their Operations Manual and Mitigation Plan with Idaho Department of Water Resources (IDWR) to reflect this Amendment in order to keep all reporting and monitoring requirements current.
4. The Developer will continue to make annual reports to Company, IDWR and PacifiCorp.
5. Authority of the Parties. With regard to corporate parties, the persons signing this Amendment warrant that they have full authority to do so and that their corporation has undertaken and obtained whatever corporate formalities and approvals are necessary to enter into this Amendment.
6. Binding Effect. All of the terms, conditions and covenants of this Amendment shall be binding upon the parties and shall inure to the benefits of all successors and assigns of the parties hereto.
7. Multiple Counterparts. This Amendment may be executed in multiple counterparts, which taken together shall constitute one and the same document.
8. Conflicting Provisions. In the event that any provision of this Amendment conflicts with the existing provisions of the Agreement, the parties agree that the terms of this Amendment shall govern and control.

IN WITNESS WHEREOF, the parties have entered into this Amendment effective as of the date first set forth below.

FISH HAVEN WATER USERS COMPANY

By William Stock
WILLIAM STOCK, President

State of Idaho
County of Bear Lake : ss

On this 5 day of ~~July~~ ^{September}, 2014, before me, the undersigned Notary Public, in and for said State and County, personally appeared William Stock, known or identified to me to be the President of Fish Haven Water Users Company, whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Company, and further acknowledged to me that said Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.



Karla J. Eborn
Notary Public
Residing at: Montpelier ID
My Commission Expires: 12/20/2019

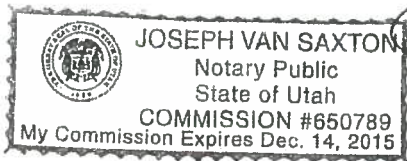
SAM'S HOLLOW WATER COMPANY

By [Signature]
JOEL LARSON, PRESIDENT

State of Utah
County of Cache : ss

On this 8 day of July, 2014, before me, the undersigned Notary Public, in and for said State and County, personally appeared Joel Larson, known or identified to me to be the President of Sam's Hollow Water Company, L.L.C., whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Company, and further acknowledged to me that said Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.



SEAL

[Signature]
Notary Public
Residing at: Logan, UT
My Commission Expires: Dec 14, 2015

Amended Water Management and Operations Plan for Mitigation
Sam's Hollow Water Company

Appendix D

**Narrative in Support of Application for
Permit No. 11-7796, including Updated Depletion
Analyses for Existing Connections and Proposed
Connections at Full Development**

Narrative in Support of Application for Permit

Sam's Hollow Water Company

Bear Lake Haven Phase I and II (Recapture) and Phase III¹

September 23, 2014

Sam's Hollow Water Company developed water right permits #11-7718² and #11-7491, identified as Phases I and II, for Bear Lake Haven Subdivision in Bear Lake County, Idaho. Both Permits were approved and allotted a 5 year development period. Extensions were filed and approved to allow an additional 5 years of development under both permits. As requested, Statements of Completion for Submitting Proof of Beneficial Use were filed by May 1, 2014 indicating the extent of development under these water rights. The entirety of the permits were not developed.

Permit #11-7718 was approved for development of 41 homes, 256 condominium units, and 4 commercial buildings. Only 41 homes were developed under this water right. The condominium units and 4 commercial buildings were not constructed or connected to the water system prior to submitting proof of beneficial use.

Permit #11-7491 was approved for development of 241 homes. Only 104 homes were developed under this water right. The remaining homes were not constructed or connected to the water system prior to submitting proof of beneficial use.

This application proposes to capture the portions that were approved but not completed during the development period of the existing permits. Table 1 recounts the number of homes³ approved under the permits, developed before Proof was submitted, and the number of homes that are being recaptured under this application. Including the condominiums and commercial buildings, the total connections being recaptured within this permit amounts to 137 homes, 256 condominium units, and 4 commercial buildings.

Table 1. Homes Under Existing Permits

Permit #	Approved	Developed	Reapply
11-7718	41	41	0
11-7491	241	104	137
Total	282	145	137

No commercial or condominium connections were developed under water right #11-7718.

¹ The terms Phases I and II refer to stages of acquiring water rights for the subdivision and have no geographic designation except the place of use described under the permits acquired in these phases. This application is referred to as Phase III, the third stage of acquiring water rights.

² Water right #11-7718 is a split from the parent right #11-7481. Canyon Estates Property Owners Association annexed a portion of Bear Lake Haven into its water system, along with the appurtenant portion of permit #11-7481. When split, which was done in two steps, it was renumbered to water rights #11-7641 and #11-7719 (now owned by Canyon Estates Property Owners Association) and #11-7718 (owned by Sam's Hollow). All water rights are mitigated under the same plan and through Sam's Hollow Water Company.

³ The term "homes" is used as a general description for both connections which are stubbed-in and homes have been developed, and those which are only stubbed-in with no homes yet, but are considered developed.

Additionally, land has been acquired adjacent to Bear Lake Haven on which another 200 homes and 62 condominiums are proposed to be developed. This applications seeks to increase the total number of connections served by Sam's Hollow Water Company as shown in Table 2.

Table 2. Connections Proposed in this Application

Type of Connections	Phase I and II	Phase III	Total Connections
	Recapture	New	
Homes	137	200	337
Condominiums	256	62	318
Commercial	4	0	4

An estimate of ground water depletion was calculated using procedures developed by Robert W. Hill⁴. This procedure estimates depletions from domestic uses, such as homes and condominiums, commercial uses, and irrigation around each of these connections. It accounts for depletions from in-house use, wastewater treatment facilities, and irrigation consumptive use, including factors such as carry over soil moisture, precipitation, and wind drift evaporation. Figure 1 includes the Depletion Analysis for Bear Lake Haven Subdivision for the proposed permit. It is estimated that the total depletion from the proposed development will equal 167.1 acre-feet when completed. The extent of depletion from development under the existing Permits is shown in Figure 2 to be 51.0 ac-ft⁵. A cumulative depletion for all water rights, existing and proposed, that will require mitigation is 218.1 ac-ft. Since the mitigation will be measured and accounted for in one report, this narrative considers all mitigation that will be required collectively for existing permits and this proposed permit.

It is recognized that the local ground water aquifer is tributary to Bear Lake, thus, the depletions from the proposed permit will ultimately cause the equivalent depletion in Bear Lake. To mitigate for this depletion, applicant proposes to follow methods already outlined in the Amended Water Management and Operations Plan for Mitigation for Sam's Hollow Water Company⁶. A revised Plan will be submitted upon approval of this permit to increase the quantity of mitigation water delivered to Bear Lake proportionate to the proposed increase of the overall development.

Sam's Hollow Water Company owns shares in Fish Haven Water Users Company (water right no. 11-4022) totaling 140.5 shares, which were offered as mitigation under the original permit #s 11-7718 and 11-7491 (the plan also includes permit #s 11-7641 and 11-7719 appurtenant to The Pointe recently annexed into Canyon Estates). With the recent land acquisitions, Sam's Hollow also acquired additional shares in Fish Haven Water Users Company totaling 131.5 shares. The shares are operated on a rotation basis for each of the three ditches to which they are deliverable. Figure 3 shows availability of the

⁴ *Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho*, Robert W. Hill, January 27, 2003.

⁵ Figure 2 considers all developed connections under the permits covered in the existing mitigation plan. This includes those associated with The Pointe in Canyon Estates, permit #s 11-7719 and 11-7641, along with those owned by Sam's Hollow Water Company permit #s 11-7718 and 11-7491.

⁶ The Amended Water Management and Operations Plan for Mitigation was submitted March 24, 2014 to change the method of conveying the mitigation water to Bear Lake.

shares during the season on each of the ditches. These results are summarized in Table 3. The shares are available for a total of 181.2 days during the summer. To deliver the cumulative depletion of 218.1 ac-ft, it would require a minimum diversion of 0.61 cfs for 181.2 days the shares are available. If available, the mitigation water could be delivered in larger quantities for less days. The water will be diverted at the ditches, measured, and returned immediately to Fish Haven Creek via a bypass pipe and will be conveyed to Bear Lake through the creek. It is recognized that a transfer may be required to add mitigation as a nature of use to the water rights for Fish Haven Water Users Company for an amount proportionate to the shares offered as mitigation. This will be accomplished upon approval of this application as necessary.

Table 3. Summary of Shares Availability

Ditch Name	Shares Owned	Days on in Season
Upper North Ditch	185	111.9
Number 1 Ditch	20	29.6
Number 3 Ditch	67	39.7
Total Days On for All Ditches		181.2

Fish Haven Water Users Company has given authority to Sam's Hollow to allow the shares to be used as mitigation for this water right. An existing Agreement, and the First Amendment to Fish Haven Water Users Company and Sam's Hollow Water Company Agreement, allow the use of shares for mitigation purposes under the original two permits. A new agreement, Figure 4, allows for the newly acquired shares to be used in like manner.

Using the methods developed by Robert Hill, mitigation of the proposed 167.1 ac-ft depletion will require that 141.6 acres historically irrigated with the Fish Haven shares be dried up. These acres will be taken from land within the project that falls under structure or road footprints or other irrigated land taken out of production. In addition to the proposed acres to be dried up for mitigation, the existing permits contribute another 43.2 acres for a total of 184.8 acres to dry up. Table 4 below shows the depletions from existing and proposed permits and the equivalent acres necessary to dry up for mitigation.

Table 4. Existing and Proposed Depletions and Mitigation

	Depletion	Equivalent Acres Used for Mitigation
Existing Permits	51.0	43.2
Proposed Permit	167.1	141.6
Total	218.1	184.8

Water measurement and accounting of shares available during the season will be recorded. Measuring devices and bypass pipes are already installed at all five Fish Haven ditch headgates to measure mitigation diversion. Diversions to the project lands will continue until those lands are developed and included in the water system for Bear Lake Haven. Sam's Hollow will continue to use the water measurement and accounting program already developed to account for ground water depletions and mitigation water delivered to Bear Lake.

Figure 1. Depletion Analysis for Proposed Development in Bear Lake Haven Subdivision

Based on "Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho" by Robert W. Hill, P.E., Ph.D., January 27, 2003. Calculation layout based on original calculations created by Brockway Engineering, PLLC for Water Right Nos. 11-7481 and 11-7491 for Sams Hollow Water Company.

DOMESTIC POTABLE WATER - HOMES SITES with Sewer District

Potable (culinary) water supplied from water supply system.

Wastewater to Fish Haven Sewer District

No. of lots	337	
Average occupancy	4 persons	
Average daily diversion demand - potable	100 gpcd	
Average daily demand - potable/connection	400 gpd	Utah avg day vol.
Daily Home Site Volume	134,800 gpd	
Average annual percent occupancy	40.2%	
Annual volume used	19,761,680 gal =	60.65 ac-ft
Percent depletion of culinary water - in house	5%	
Annual volume of culinary water in-house depletion	988,084.0 gal =	3.03 ac-ft
Wastewater from culinary in-house water use (to sewer)	18,773,596 gal =	57.61 ac-ft
Est. percent depetion from lagoons	100%	
Volume of depletion from wastewater disposal (sewer)	19,761,680.0 gal =	60.65 ac-ft
Annual vol. depletion of culinary water - home sites	20,749,764.00 gal =	63.68 ac-ft

DOMESTIC POTABLE WATER - CONDOMINIUM

Potable (culinary) water supplied from water supply system.

Wastewater to Fish Haven Sewer District

No. of condominium bldgs	85	
No. of Units	318	
Average occupancy	4 persons	
Average daily diversion demand - potable	70 gpcd	
Average daily demand - potable/unit	280 gpd	Utah avg day vol.
Avg Daily Condominium Volume	89,040 gpd	
Average annual percent occupancy	40.2%	
Annual volume used	13,053,264 gal =	40.06 ac-ft
Percent depletion of culinary water - in house	5%	
Annual volume of culinary water in-house depletion	652,663.2 gal =	2.00 ac-ft
Wastewater to regional sewer system - lagoons	12,400,601 gal =	38.06 ac-ft
Percent of wastewater to lagoon evaporated	100%	
Annual wastewater evaporated	12,400,600.8 gal =	38.06 ac-ft
Annual vol. depletion of culinary water - home sites	13,053,264.00 gal =	40.06 ac-ft

POTABLE WATER - COMMERCIAL

Potable (culinary) water supplied from water supply system.

Wastewater treatment in regional system (lagoons)

Estimated Amount of Commercial Footage	10,000	sq ft	
GPD for 1,000 sq ft of Commercial Use	250	gpd/1,000 sq ft	
Average daily volume demand	2,500	gpd	
Average annual percent occupancy	100%		
Annual volume	912,500	gal =	2.80 ac-ft
Percent depletion of culinary water - in house	5%		
Annual volume of culinary water in-house depletion	45,625.0	gal =	0.14 ac-ft
Wastewater to regional sewer system - lagoons	866,875	gal =	2.66 ac-ft
Percent of wastewater to lagoon evaporated	100%		
Annual wastewater evaporated	866,875.0	gal =	2.66 ac-ft
Annual vol. depletion of culinary water - home sites	912,500.00	gal =	2.80 ac-ft

IRRIGATION

Irrigation water delivered by municipal system

Irrigated Area per lot	5000	ft^2	
Irrigated area for all lots	1685000	ft^2	
Irrigated area per condominium bldg	5000	ft^2	
Irrigated area for all condominium bldgs	425000	ft^2	
Total Irrigated area	48.4	acres	
Depletion (sprinkler-turf grass)	1.25	af/ac	
Annual vol. Depletion from Irrigation	60.5	ac-ft	

ANNUAL PROJECT DEPLETION

Domestic-Homesites	63.68	ac-ft
Domestic-Condominiums	40.06	ac-ft
Commercial	2.80	ac-ft
Irrigation	60.5	ac-ft
Total Annual Project Depletion	167.1	ac-ft

EQUIVALENT ACREAGE FOR PROJECT CONSUMPTIVE USE

Depletion for pasture grass	14.2	in=	1.18 af/ac
Project Total Annual Depletion	167.1		
Equivalent Irrigated Acreage	141.6		

Figure 2. Depletion Analysis for Existing Connections under Permit #s 11-7718, #11-7719, #11-7641 and 11-7491 Bear Lake Haven Subdivision and The Pointe (annexed to Canyon Estates)

Based on "Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho" by Robert W. Hill, P.E., Ph.D., January 27, 2003. Calculation layout based on original calculations created by Brockway Engineering, PLLC for Water Right Nos. 11-7481 and 11-7491 for Sams Hollow Water Company.

DOMESTIC POTABLE WATER - HOMES SITES

Potable (culinary) water supplied from water supply system.

Wastewater treatment by on-site systems (septic tank/drainfield - non consumptive)

No. of lots	28	The Pointe, Phase I
Average occupancy	4	persons
Average daily diversion demand - potable	100	gpcd
Average daily demand - potable/connection	400	gpd Utah avg day volume
Daily Home Site Volume	11,200	gpd
Average annual percent occupancy	40.2%	
Annual volume used	1,641,920	gal = 5.04 ac-ft
Percent depletion of culinary water - in house	5%	
Annual volume of culinary water in-house depletion	82,096.0	gal = 0.25 ac-ft
Wastewater from culinary in-house water use (to drain field)	1,559,824	gal = 4.79 ac-ft
Est. Percent depletion from drain field treatment	10%	
Volume of depletion from wastewater disposal (drainfields)	164,192.0	gal = 0.50 ac-ft
Annual vol. depletion of culinary water - home sites	246,288.00	gal = 0.76 ac-ft

DOMESTIC POTABLE WATER - HOMES SITES with Sewer District

Potable (culinary) water supplied from water supply system.

Wastewater to St Charles Sewer District

No. of lots	139	
Average occupancy	4	persons
Average daily diversion demand - potable	100	gpcd
Average daily demand - potable/connection	400	gpd Utah avg day volume
Daily Home Site Volume	55,600	gpd
Average annual percent occupancy	40.2%	
Annual volume used	8,150,960	gal = 25.01 ac-ft
Percent depletion of culinary water - in house	5%	
Annual volume of culinary water in-house depletion	407,548.0	gal = 1.25 ac-ft
Wastewater from culinary in-house water use (to sewer)	7,743,412	gal = 23.76 ac-ft
Est. Percent depletion from drain field treatment	100%	
Volume of depletion from wastewater disposal (sewer)	8,150,960.0	gal = 25.01 ac-ft
Annual vol. depletion of culinary water - home sites on sewer	8,558,508.00	gal = 26.27 ac-ft
Total Annual Vol Depletion of Potable Water - Home Sites	8,804,796.00	gal = 27.02 ac-ft

DOMESTIC POTABLE WATER - CONDOMINIUM

Potable (culinary) water supplied from water supply system.

Wastewater treatment in regional system (lagoons)

No. of condominium bldgs	0		
No. of Units	0		
Average occupancy	4 persons		
Average daily diversion demand - potable	70 gpcd		
Average daily demand - potable/unit	280 gpd	Utah avg day v	
Avg Daily Condominium Volume	- gpd		
Average annual percent occupancy	40.2%		
Annual volume used	- gal =	-	ac-ft
Percent depletion of culinary water - in house	5%		
Annual volume of culinary water in-house depletion	- gal =	-	ac-ft
Wastewater to regional sewer system - lagoons	- gal =	-	ac-ft
Percent of wastewater to lagoon evaporated	100%		
Annual wastewater evaporated	- gal =	-	ac-ft
Annual vol. depletion of culinary water - home sites	- gal =	-	ac-ft

POTABLE WATER - COMMERCIAL

Potable (culinary) water supplied from water supply system.

Wastewater treatment in regional system (lagoons)

Estimated Amount of Commercial Footage	- sq ft		
GPD for 1,000 sq ft of Commercial Use	250 gpd/1,000 sq ft		
Average daily volume demand	- gpd		
Average annual percent occupancy	100%		
Annual volume	- gal =	-	ac-ft
Percent depletion of culinary water - in house	5%		
Annual volume of culinary water in-house depletion	- gal =	-	ac-ft
Wastewater to regional sewer system - lagoons	- gal =	-	ac-ft
Percent of wastewater to lagoon evaporated	100%		
Annual wastewater evaporated	- gal =	-	ac-ft
Annual vol. depletion of culinary water - home sites	- gal =	-	ac-ft

IRRIGATION

Irrigation water delivered by municipal system

Irrigated Area per lot	5000 ft ²
Irrigated area for all lots	835000 ft ²
Irrigated area per condominium bldg	5000 ft ²
Irrigated area for all condominium bldgs	0 ft ²
Total Irrigated area	19.2 acres
Depletion (sprinkler-turf grass)	1.25 af/ac

Annual vol. Depletion from Irrigation **23.96 ac-ft**

ANNUAL PROJECT DEPLETION

Domestic-Homesites	27.02 ac-ft
Domestic-Condominiums	- ac-ft
Commercial	- ac-ft
Irrigation	24.0 ac-ft
Total Annual Project Depletion	51.0 ac-ft

EQUIVALENT ACREAGE FOR PROJECT CONSUMPTIVE USE

Depletion for pasture grass	14.2 in=	1.18 af/ac
Project Total Annual Depletion	51.0	
Equivalent Irrigated Acreage	43.2	

Figure 3. Availability of Fish Haven Shares for Diversion

Fish Haven Water Users Company

Fish Haven Water Users Company Water Right

Water Right No.	11-4022
Diversion Rate	29.6
Acres	1212
Total Shares on System	1283 Based on Stock Certificates
Total Shares in Sam's Hollow	272
SHWC share of total	21.20%
Approx. Perc. Of Rate	6.28 cfs

Estimated Irrigation Season	150 days
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Upper North Ditch

Days in Rotation	31
Shares on Property	185
Water Available for 3 hrs/share	555 hours
Days on in Rotation	23.1 days
Days off in rotation	7.9 days
Total days on in season	111.9

Number 1 Ditch

Days in Rotation	12.65
Shares on Property	20
Water Available for 3 hrs/share	60 hours
Days on in Rotation	2.5 days
Days off in rotation	10.2 days
Total days on in season	29.6

Number 3 Ditch

Days in Rotation	31.65
Shares on Property	67
Water Available for 3 hrs/share	201 hours
Days on in Rotation	8.4 days
Days off in rotation	23.3 days
Total days on in season	39.7

Total Annual Project Depletion to be
returned to Bear Lake

167.1 ac-ft

Total Depletion under Existing
Permits

51.0 ac-ft

Equivalent Irrigated Acres

184.8 ac

Number of Days Shares Available

181.2 days in all ditches

Average flow for mitigation

1.20 af/day for	181.2 days
0.61 cfs for	181.2 days

**SECOND AMENDMENT TO FISH HAVEN WATER USERS COMPANY AND
SAMS HOLLOW WATER COMPANY AGREEMENT**

THIS SECOND AMENDMENT (the "Amendment") is made and entered into this 5th day of Sept., 2014, by and between the Fish Haven Water Users Company, an Idaho corporation (the "Company") and Sam's Hollow Water Company, an Idaho corporation ("Developer"). "Project" refers to the development served by the Sam's Hollow Water Co.

RECITALS

- A. On March 14, 2002, the Company and the Developer entered into an agreement (hereinafter "Agreement") that permitted the Developer to use its 140.5 shares of the Company for mitigation purposes, provided the Developer complies with all of the terms of the Agreement.
- B. Developer acquired water right permit nos. 11-7481 and 11-7491 through the Idaho Department of Water Resources. A mitigation plan was submitted along with the permit applications that proposed using the Company shares from Fish Haven Creek as mitigation for depletions caused by ground water pumping.
- C. The mitigation plan proposed diverting the shares in the ordinary course of water delivery as established by customary operating practices. Developer is responsible for measurement, delivery, and reporting of the shares once diverted into the Fish Haven conveyance system.
- D. The Developer, through a joint effort involving The Reserve LLC, the Company, Trout Unlimited and Bear Lake Watch, Inc. has designed, developed and implemented improvements to all 5 Ditches of the Fish Haven Water Users Co. These improvements include fish friendly diversions, new headgates and bypass returns installed with flow measuring devices.
- E. On December 18, 2013, the Company signed the First Amendment to Fish Haven Water Users Company and Sam's Hollow Water Company Agreement ("First Amendment"). This authorized Sam's Hollow to change the conveyance of the measured mitigation water to leave it in Fish Haven Creek.
- F. An alternate mitigation plan was submitted to Idaho Department of Water Resources, amending the conveyance of mitigation water as agreed in the First Amendment.
- G. Proof of Beneficial Use was due by May 1, 2014 for permit nos. 11-7481 and 11-7491, and their respective water right splits (these rights are now known as 11-7719, 11-7641 (owned by Canyon Estates), 11-7718, and 11-7491 (owned by Sam's Hollow)). Sam's Hollow has stubbed-in 145 connections under their existing permits, not including those developed within The Pointe. The remaining connections are lost under these permits since they have not been developed within the allotted time.
- H. Additionally, Sam's Hollow has acquired more lands on which the water system will be developed that will increase the net water use by 200 homes and 62 condominiums above the original permits.

1. A new application for permit will capture the homes under the original permits that were not developed and to acquire water rights for the new lands. Mitigation will be provided through the use the Company's water right on Fish Haven Creek as already been established. Calculations show that Sam's Hollow may need up to 196 shares of the Company's right to mitigate for the full Project described under the existing and proposed permits.

AGREEMENT

NOW THEREFORE, in and for the mutual promises of the Parties and other good and valuable consideration, the parties agree as follows:

1. Use of Shares for Groundwater Mitigation (Amendment to Agreement Item #1)
The Company consents to the use of up to 196 shares to meet such mitigation or replacement requirements as may be imposed by the IDWR in connection with the Project, subject to the various provisions of this Amendment and the provisions and conditions set forth in the Agreement and the First Amendment.
2. The Recitals and sections of the 2002 Agreement and the First Amendment, not herein amended, remain pertinent and binding.
3. The Developer will modify their Agreement with PacifiCorp, if necessary, and their Operations Manual and Mitigation Plan with Idaho Department of Water Resources (IDWR) to reflect this Amendment in order to keep all reporting and monitoring requirements current.
4. The Developer will continue to make annual reports to Company, IDWR and PacifiCorp.
5. Authority of the Parties. With regard to corporate parties, the persons signing this Amendment warrant that they have full authority to do so and that their corporation has undertaken and obtained whatever corporate formalities and approvals are necessary to enter into this Amendment.
6. Binding Effect. All of the terms, conditions and covenants of this Amendment shall be binding upon the parties and shall inure to the benefits of all successors and assigns of the parties hereto.
7. Multiple Counterparts. This Amendment may be executed in multiple counterparts, which taken together shall constitute one and the same document.
8. Conflicting Provisions. In the event that any provision of this Amendment conflicts with the existing provisions of the Agreement, the parties agree that the terms of this Amendment shall govern and control.

IN WITNESS WHEREOF, the parties have entered into this Amendment effective as of the date first set forth below.

FISH HAVEN WATER USERS COMPANY

By William Stock
WILLIAM STOCK, President

State of Idaho
County of Bear Lake : ss

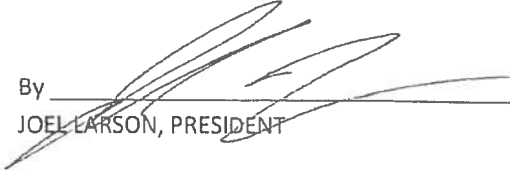
On this 5 day of September, 2014, before me, the undersigned Notary Public, in and for said State and County, personally appeared William Stock, known or identified to me to be the President of Fish Haven Water Users Company, whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Company, and further acknowledged to me that said Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.



Karla J. Eborn
Notary Public
Residing at: Montpelier ID
My Commission Expires: 12/20/2019

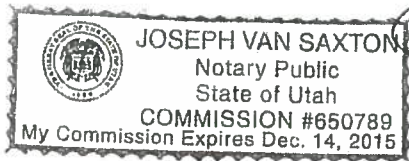
SAM'S HOLLOW WATER COMPANY

By 
JOEL LARSON, PRESIDENT

State of Utah
County of Cache : ss

On this 8 day of ~~July~~ ^{Aug}, 2014, before me, the undersigned Notary Public, in and for said State and County, personally appeared Joel Larson, known or identified to me to be the President of Sam's Hollow Water Company, L.L.C., whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Company, and further acknowledged to me that said Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this Certificate first above written.



SEAL


Notary Public
Residing at: Logan, UT
My Commission Expires: Dec 14, 2015

Amended Water Management and Operations Plan for Mitigation
Sam's Hollow Water Company

Appendix E

**Settlement Agreement between Sam's Hollow Water
Company and PacifiCorp**

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is made this 7th day of October, 2003, by and between SAM'S HOLLOW WATER COMPANY, an Idaho nonprofit corporation ("Sam's Hollow"), and PACIFICORP, an Oregon Corporation doing business in the State of Idaho ("PacifiCorp"). Sam's Hollow and PacifiCorp are collectively referred to as the "Parties."

WHEREAS, Sam's Hollow is organized to own and operate a water delivery system and manage water and water rights for its members who are property owners in Bear Lake Haven Development. The service area of Sam's Hollow will include two phases of development ("Phase I" and "Phase II") in the Bear Lake Haven Development (the "Subdivision"); and

WHEREAS, Sam's Hollow will serve domestic and irrigation water for 36 residences, 256 condominium units, and 4 commercial enterprises in Phase I of the Subdivision under Application for Permit No. 11-7481, filed with the Idaho Department of Water Resources ("IDWR") by Sam's Hollow in October 2001. Application for Permit No. 11-7481 was subsequently amended in May of 2002 (the "Phase I Application"). The Phase I Application and Mitigation Plan, which is attached hereto as Exhibit "A," requests IDWR approval to divert 1.19 cfs and 136.7 acre feet of groundwater per year; and

WHEREAS, Sam's Hollow will serve domestic and irrigation water for 241 single family homes in Phase II of the Subdivision under Application for Permit No. 11-7491, filed with IDWR in January of 2002 (the "Phase II Application"). The Phase II Application and Mitigation Plan, which is attached hereto as Exhibit "B," requests IDWR approval for the right to divert 1.22 cfs and 197 acre feet of groundwater per year. (Collectively the mitigation plans filed with the Applications are referred to herein as the "Mitigation Plans"); and

WHEREAS, PacifiCorp protested the Applications because it claims that unmitigated withdrawal and use of groundwater under the Applications will interfere with its water rights and contracts in and for Bear Lake water, and for other reasons stated in its Protests; and

WHEREAS, the Parties recognize that groundwater in the aquifer underlying the Subdivision is tributary to Bear Lake and the Bear River, as is Fish Haven Creek, and that the additional consumptive use of water under the Applications will result in reductions of the inflow to PacifiCorp's water rights decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al.* in Equity No. 203, July 14, 1920, in Bear Lake unless mitigated; and

WHEREAS, Sam's Hollow owns 140.5 shares (the "Shares") in the Fish Haven Water Users Company (the "Irrigation Company") which provides irrigation water to its shareholders from Fish Haven Creek pursuant to a Claim to a Water Right filed under Section 42-243, Idaho Code and historically the Shares have been used to flood irrigate at least 120 acres of hay and pasture. The Mitigation Plans anticipate the use of the Shares for mitigation of depletion to Bear Lake due to withdrawal and use of groundwater under the Applications; and

WHEREAS, IDWR issued an Order adopting the Bear River Ground Water Management Plan in February of 2003, requiring mitigation for new ground water development (the "Ground Water Management Plan"). Sam's Hollow intends to amend the Mitigation Plans to be consistent with this Settlement Agreement and fully comply with the Ground Water Management Plan; and

WHEREAS, the Parties now wish to settle PacifiCorp's protest by ensuring that PacifiCorp's concerns regarding the Mitigation Plans are adequately addressed.

NOW THEREFORE, in and for the mutual promises of the Parties and other good and valuable consideration, the Parties agree as follows:

1. Quantified in acre feet, Sam's Hollow shall return a sufficient amount of water per year delivered under its Shares directly to Bear Lake and remove from irrigation a sufficient number of historically irrigated acres of land as is necessary to fully satisfy all annual depletions and return flows associated with the Phase I and Phase II Applications. The Parties acknowledge that the Subdivision will be developed over time and that all of the water requested by the Applications will not be used until the Subdivision is fully developed.

With each annual increment of development in the Subdivision, Sam's Hollow will retire a sufficient number of previously irrigated acres of land and return to Bear Lake a sufficient volume and flow of water previously diverted for irrigation under its Shares in order to mitigate for depletion caused by such annual increment of development. Until the Subdivision is fully developed, by December 31st of each year, Sam's Hollow will report to IDWR and PacifiCorp the previous year's Subdivision development, ground water pumped volume, the acreage retired, and the flow and volume of water delivered under the Shares to be returned to Bear Lake.

Until full build-out of the Subdivision, Sam's Hollow will continue to irrigate that portion of land not retired for mitigation with that volume of water delivered under the Shares not committed to be returned to Bear Lake for mitigation.

2. Recognizing that the return flow from the historic irrigation under the Shares makes up a part of the downstream water rights of PacifiCorp and others and must be the same after the Subdivision is developed as it was under the historic irrigation practices using the Shares, upon full development of the Subdivision, Sam's Hollow shall deliver the following water to Bear Lake:

- (a) all of the diversion delivered by the Irrigation Company in turn and on a rotational basis in accordance with its historic and customary practices that is associated with the 42.7 acres of land removed from irrigation for the Phase I Application, minus adjustments for historical return flows that continue to occur, if any; and
- (b) all of the diversion delivered by the Irrigation Company in turn and on a rotational basis in accordance with its historic and customary practices that is associated with the 50.6 acres of land removed from irrigation for the Phase II Application, minus adjustments for historical return flows that continue to occur, if any.

3. When Phase I of the Subdivision is fully developed, Sam's Hollow shall have removed from irrigation 42.7 acres of irrigated land historically irrigated with the Shares as mitigation for depletion and shall be returning 50.4 acre feet of water per year under its Shares directly to Bear Lake as mitigation associated with the Phase I Application. The minimum average flow rate requirement for the delivery of water to Bear Lake as mitigation associated with the Phase I Application at full build-out shall be 0.25 cfs for 102.3 days.

4. When Phase II of the Subdivision is fully developed, Sam's Hollow shall have removed from irrigation an additional 50.6 acres of irrigated land historically irrigated with Shares as mitigation for depletion and shall be returning an additional 59.7 acre feet of water per year under its Shares directly to Bear Lake as mitigation associated with the Phase II Application. The minimum average flow rate requirement for the delivery of additional water to Bear Lake as mitigation associated with the Phase II Application at full build-out shall be 0.29 cfs for 102.3 days.

5. It is Sam's Hollow's intent to return all historical return flows associated with acreage removed from irrigation described in Paragraphs 3 and 4 above. It is not Sam's Hollow's intent to enlarge the original Irrigation Company water right or its use under the Shares. If water features are included in the final Subdivision design, opportunities for delivery of the historical return flows through the water features can be incorporated.

6. The mitigation calculations utilized to arrive at the amounts identified in paragraphs 2 and 3 above are set forth in Exhibit "C" which is attached hereto and made a part hereof. These calculations assume 100% depletion for the water entering the St. Charles wastewater lagoons (the "Wastewater Lagoons") from the condominium and commercial units in Phase I and the residences in Phase II. If the Wastewater Lagoons are not fully contained, the depletion for Phase I and Phase II of the Subdivision will be reduced and the calculations revised to correspond with the corrected depletion percentage for the Wastewater Lagoons. The corrected depletion percentage for the Wastewater Lagoons shall also be utilized in calculating the annual depletion for the Subdivision until full development of the Subdivision is achieved.

7. Sam's Hollow shall properly install and maintain accurate water measurement devices on all of the underground points of diversion for both Phase I and Phase II of the Subdivision and on the delivery system conveying mitigation water to Bear Lake. The water measurement devices shall have recording and totalizing capability.

8. Sam's Hollow shall annually supply PacifiCorp and IDWR with records of all water monitoring undertaken to comply with Paragraph 6 above.

9. Sam's Hollow agrees to abide by the "Guidelines for Mitigation of New Ground Water Development in the Lower Bear River Basin in Idaho," dated October 4, 2003 and attached to this Settlement Agreement as Exhibit "D."

10. In exchange for Sam's Hollow's agreement to comply with paragraphs 1 through 9 above, PacifiCorp hereby withdraws its protests to the Applications.

11. When executed, the Parties agree to forward a copy of this Settlement Agreement to IDWR for placement in the files of the Applications.

12. Each Party agrees to cooperate with the other in good faith and prepare and file necessary documents, or take other action, to promptly achieve the purposes of this Settlement Agreement.

13. The Parties understand the content of this Agreement, and have consulted their attorneys thereon, and enter into this Agreement voluntarily and of their own free will.

14. Should any of the provisions set forth herein be determined to be invalid by any court or agency, such determination shall not affect the enforceability of the other provisions herein and to this end, the provisions of this Agreement are declared to be severable.

15. This Agreement and release shall inure to the benefit of the Parties, and shall be binding upon the Parties and their assigns, employees, agents, representatives and successors.

16. This Agreement sets forth the entire understanding and agreement between the Parties with respect to the subject matter herein and supersedes any prior or contemporaneous oral and/or written agreement or representations, if any, between the Parties. Its terms may not be modified or supplemented, except by mutual written agreement executed by PacifiCorp and Sam's Hollow. All executed copies of this Agreement shall constitute duplicate originals and shall be equally admissible in evidence.

This Agreement is executed on the date written above.

SAM'S HOLLOW WATER COMPANY

PACIFICORP

By: Connie [Signature]

By: [Signature]
CONNELLY BALDWIN

Its: Secretary

Its: WATER RESOURCES
SPECIALIST

~~7. Sam's Hollow shall annually supply PacifiCorp and IDWR with records of all water monitoring undertaken to comply with Paragraph 6 above.~~

~~8. Sam's Hollow agrees to abide by the "Guidelines for Mitigation of New Ground Water Development in the Lower Bear River Basin in Idaho," dated September 29, 2003 and attached to this Settlement Agreement as Exhibit "C."~~

~~10 9. In exchange for Sam's Hollow's agreement to comply with paragraphs 1 through 8 above, PacifiCorp hereby withdraws its protests to the Applications.~~

~~11 10. When executed, the Parties agree to forward a copy of this Settlement Agreement to IDWR for placement in the files of the Applications.~~

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This Agreement is executed on the date written above.

SAM'S HOLLOW WATER COMPANY

PACIFICORP

By: _____

By: _____

Its: _____

Its: _____

Attest: _____

President
Connie Skidmore
Secretary

EXHIBIT "A"

Application for Amendment of Permit No. 11-7481 and Mitigation Plan

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 11-7481

APPLICATION FOR AMENDMENT OF A PERMIT

To appropriate the public waters of the State of Idaho

Name of applicant Sam's Hollow Water Company Phone 208 232 6101Address 201 E. Center Street, Pocatello, ID 83201I am the owner and holder of Permit to Appropriate the public Waters of the State of Idaho No. 11-74 and request that the permit and permit map be amended and / or changed as follows:Purpose of Amendment: ☐ Change point of diversion ☐ Add point of Diversion
☒ Change Place of use ☐ Change nature of use ☐ Change period of use ☒ Other1. Point of diversion is 1/4 SE 1/4, SW 1/4, Section 11Township 16S Range 43E B.M. County of Bear LakeOther points of diversion, if any: NW1/4 NE1/4 Sec 15, SW1/4 SE 1/4 Sec 10 T16S R43E

2. Period and nature of use: (Irrigation, domestic, stockwatering, industrial, etc.):

Amount 0.94/86.7 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-foot per annum) (water use) (Begin month) (End month)Amount 0.23/48.1 for Irrigation purposes from 4/1 to 10/15 (both dates inclusive)
(cfs or acre-foot per annum) (water use) (Begin month) (End month)Amount .02/2.8 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-foot per annum) (water use) (Begin month) (End month)Amount for purposes from to (both dates inclusive)
(cfs or acre-foot per annum) (water use) (Begin month) (End month)

3. Place of use or land to be irrigated:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	43E	11											D1.6	D4.8			DC1.3		7.7
		14		DC1.6															1.6
		15	D0.3	D1.5	D0.4	D													2.2

Total number of acres to be irrigated 11.511. a. Who owns the property at the point of diversion? Applicantb. Who owns the land to be irrigated or place of use? Applicantc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The owners of lots within the Subdivision will be members of Sam's Hollow Water Company

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 20th day of May, 192002

Russell C. Budge Attorney
and agent for Applicant

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

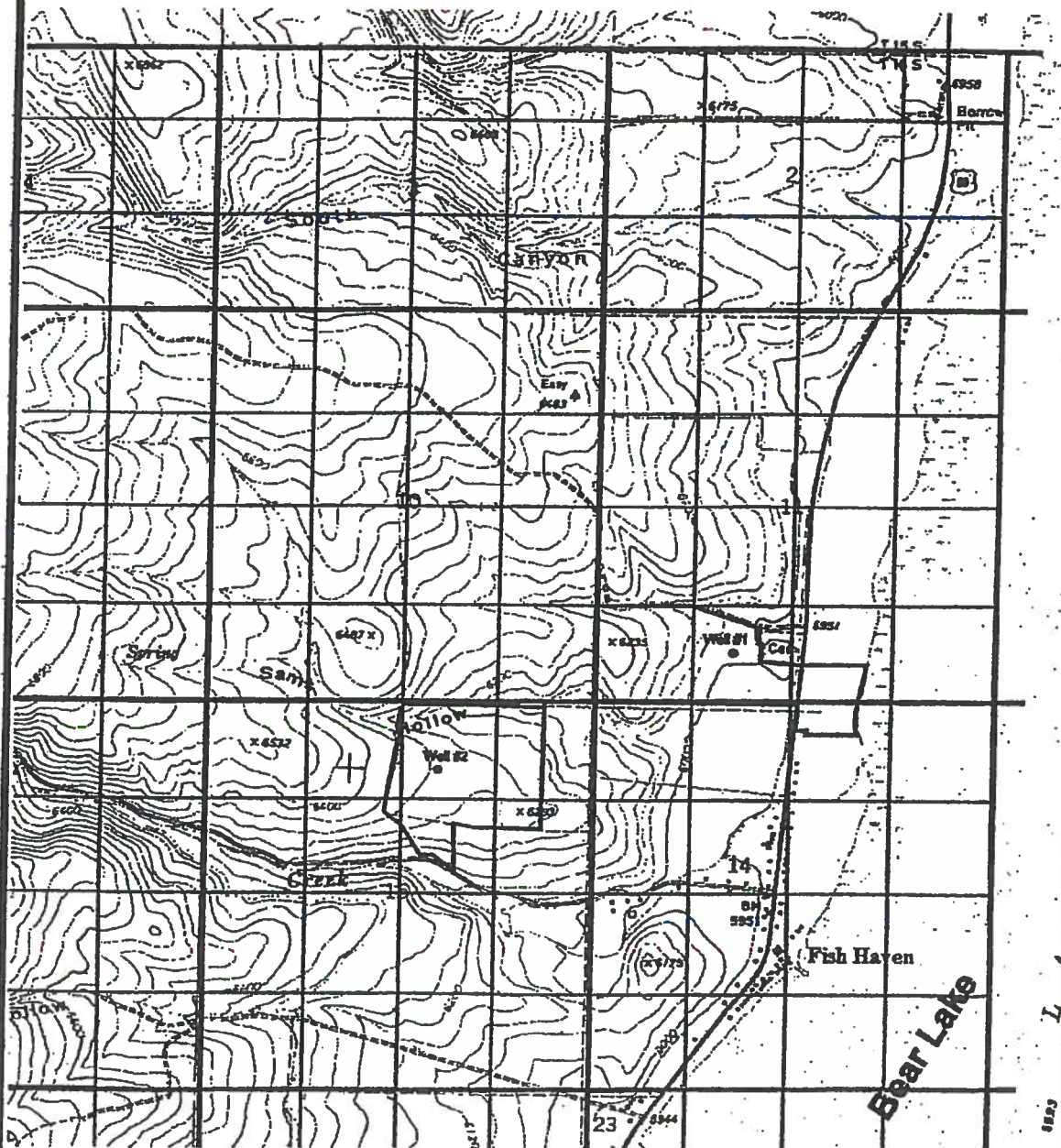
Published in _____ Publication dates _____

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19____.

SIGNATURE

79903



Sam's Hollow Water Company Phase 1

Place of Use and Points of Diversion
Water Right Permit No. 11-7481

Narrative in Support of Application for Permit
Sam' Hollow Water Company Phase I
Revised April 29, 2002

Bear Lake County

This narrative is being revised to reflect changes in the service area for the proposed project which reduces the number of residential lots from 63 to 36. The commercial area and condominium units will remain the same. The calculation of depletions to the Bear River and Bear Lake is based on procedures developed by Robert Hill and outlined in papers on "Procedures for Estimating Depletion of Municipal, Dairy, and Agricultural Crop Water Use in the Lower Bear River Basin In Idaho" presented in 1997 and 1998.

Sam's Hollow Water Company is organized to own and operate a central water system and manage water and water rights for Members of the Corporation. The ultimate service area of the Company will include two phases of subdivision development. In Phase 1, the Company will supply domestic and irrigation water from two or more wells in Sections 11 and 15 T16S R43E B.M. near Fish Haven in Bear Lake County, Idaho. Sam's Hollow Water Company is an Idaho Nonprofit Corporation.

In Phase 1, the Company will serve domestic and irrigation water for 36 residences, 256 condominium units, and 4 commercial enterprises in Phase 1 of the project.

The wells will provide ground water for the system as shown on the enclosed map. Wells No 1 and No 2 were drilled by Johnson Development Co in 2000 and 2001 as test wells to determine the yield of the local aquifer. All water rights pertinent to the water system will be owned by Sam's Hollow Water Company.

Member's of Sams' Hollow Water Company own shares in the Fish Haven Irrigation Company which provides water from Fish Haven Creek for irrigation of lands within the project. It is recognized that groundwater in the aquifer underlying the project is tributary to Bear Lake as is Fish Haven Creek. Additional consumptive use of water from the aquifer by pumping for the project can result in reductions of inflow to Bear Lake.

It is estimated that the total annual diversion from ground water for project use under Phase 1 will equal 136.7 acre feet and the project will irrigate 11.5 acres of turf and landscaping around facilities and buildings.

An estimate of additional depletion of the water resource was made using procedures developed by Dr. Robert Hill. This procedure estimates depletions from home sites and condominiums, commercial development, and irrigation around facilities and accounts for depletions from in-house use, wastewater treatment facilities, and irrigation consumptive use. It is estimated that the total depletion from planned facilities in Phase I of the project will equal 27.1 acre feet per year. To mitigate for additional depletion from ground water by the project, it is proposed to divert the Sam's Hollow Water Company shares of Fish Haven Irrigation Company but return sufficient volume of the diverted water directly to Bear Lake to mitigate for additional consumptive use on the project. Historically, water for project lands has been diverted through three ditches operated by the Fish Haven Water Users, namely the Upper North Ditch, and Ditches #1 and #3.

Sufficient water thus diverted to project lands will be returned by pipeline and/or ditches to Bear Lake and will not be used for irrigation. It is therefor proposed to return 27.1 acre feet of water diverted from Fish Haven Creek during the irrigation season directly to Bear Lake to mitigate for any increased depletion by the project.

A water measurement and monitoring program will be maintained to assure that sufficient irrigation water diverted under Company owned shares in the Fish Haven Irrigation Company does, in fact, reach Bear Lake through pipelines and ditches constructed as part of the project. A pipeline with in-line totalizing flow meter will be installed at the lower end of the project to measure the flow being returned directly to Bear Lake. Reports of volumes of water returned to Bear Lake will be supplied to IDWR and any other interested parties.

Negotiations with the Board of Fish Haven Irrigation Company to allow use of diverted shares for return to Bear Lake to mitigate for increased project consumptive use have been held and they are in agreement with the proposal

Shares of Fish Haven Ditch Company which are owned by members of Sam's Hollow Water Company include 140.5 shares currently owned by Howard Johnson. There are 99.5 shares in the Upper North Ditch, 20 shares in the Number 1 Ditch, and 21 shares in the Number 3 ditch. Based on rotation data supplied by Leon Howell and Harry Michaelson of the Fish Haven Ditch Co., water from these three ditches would be available to the project on a rotation basis with the Upper North Ditch on 12.4 days out of a 31 day rotation period, Number 1 ditch would be on 2.5 days out of a 12.65 day rotation and Number 3 ditch would be on 2.6 days out of a 31.65 day rotation. For a 150 day irrigation season, these three ditches would be on about 60.2, 29.6, and 12.4 days respectively or a total of 102.3 days total when one or more ditches would be delivering water to project lands. To mitigate for the project consumptive use of 21.7 acre feet, an average flow of 0.13 cfs or 6.5 miners inches for the 102.3 days would have to be returned directly to Bear Lake.

Using procedures developed by Robert Hill, mitigation of the 21.7 af of depletion would require that 22.9 acres of historically irrigated land be dried up. This would consist of any irrigated areas within the project upon which structures or roads would be built and other irrigated land taken out of production.

Documentation of the amount of water available to the project through any of the three ditches will require water measurement and accounting of water deliveries throughout the season. Sam's Hollow Water Company will assist in installing additional water measurement and monitoring equipment on ditches diverting from Fish Haven Creek and will install a water measuring and flow totalizing device on the return pipe or ditch to Bear Lake to assure that the required mitigation water does return to the lake. Diversions to project lands under the project's shares will continue as determined by the Board of Fish Haven Water Users and a water accounting program will be implemented by Sam's Hollow Water Company to account for all water mitigation water diverted directly to Bear Lake.

WATER REQUIREMENTS AND WATER BALANCE ANALYSIS

Bear Lake Haven Subdivision Phase 1

Brockway Engineering, PLLC April 2002

REVISED w/o Kearn

29-Apr-02

DOMESTIC POTABLE WATER - Home Sites

Potable water supplied municipal system

Daily / annual volume based on per-capita volume and peaking factors

No. of lots	36			
Average occupancy	3	persons		
Average daily demand - potable	100	gpcd		
Peak Day Factor	3			
Peak Hour Factor	4.5			
Daily volume	10,800	gpd		
Annual volume*	3,942,000	gal =	12.10	ac-ft
Peak day volume	32,400	gpd =		
Average Daily Flow	8	gpm		0
Average Peak Day Flow	23	gpm		
Peak Hour Flow	34	gpm		
IDWR diversion guidelines	117	gpm or	0.26	cfs
Daily consumptive use	2,160	gpd		
Annual consumptive use volume	788,400	gal =	2.42	ac-ft

DOMESTIC POTABLE WATER - Condominium

Potable water supplied municipal system

Daily / annual volume based on per-capita volume and peaking factors

Number of Buildings	64			
No. of Units	256			
Average occupancy	4	persons		
Average daily demand - potable	65	gpcd		
Peak Day Factor	3			
Peak Hour Factor	4.5			
Daily volume	66,560	gpd		
Annual volume*	24,294,400	gal =	74.56	ac-ft
Peak day volume	199,680	gpd =	139	gpm
Average Daily Flow	46	gpm		
Average Peak Day Flow	139	gpm		
Peak Hourly Flow	208	gpm		
IDWR diversion guidelines	305	gpm or	0.68	cfs
Daily consumptive use	13,312	gpd		
Annual consumptive use volume	4,858,880	gal =	14.91	ac-ft

* Note - Annual volume assuming 100% occupancy which will not occur.

IRRIGATION

Irrigation water delivered . municipal system
Crop ET data from Allen and Brockway (1983) - Lift station

Irrigated Area per lot	5000	ft ²		
Irrigated area per condominium bldg	5000	ft ²		
Total irrigated area	11.5	acres		
Crop consumptive use - Pasture grass	30.20	inches	(Allen and Brockway, 1983)	
Irrigation efficiency - typical domestic	60%			
Annual consumptive volume	28.9	ac-ft		
Annual diversion volume	48.1	ac-ft		
Peak month average daily ET	0.235	Inches	}	Allen and Brockway (1983)
Standard deviation of monthly ET	0.0070866	Inches		
Peak day factor	1.5			
Exceedance level	90%			
Maximum daily design ET	0.366	inches		
Maximum design discharge	0.30	cfs or	137	gpm
			11.9	gpm / ac
			1.33	"/ac
IDWR diversion guideline (0.02 cfs/acre)	0.23	cfs or	103.03	gpm
Use .03 cfs/ac for < 5 acres				

POTABLE WATER - Commercial

Potable water supplied municipal system
Daily / annual volume based on per-capita volume and peaking factors

Estimated Amount of Commercial Footage	10,000	sq ft		
GPD per 1,000 sq ft of Commercial Use	250	gpd/1,000 sq ft		
Peak Day Factor	4			
Peak Hour Factor	4.5			
Daily volume	2,500	gpd		
Annual volume*	912,500	gal =	2.80	ac-ft
Peak day volume	10,000	gpd =	7	gpm
Average Daily Flow	2	gpm		
Average Peak Day Flow	7	gpm		
Peak Hourly Flow	8	gpm		
Daily consumptive use	500	gpd		
Annual consumptive use volume	182,500	gal =	0.56	ac-ft

* Note - Annual volume assuming 100% occupancy which will not occur.

System Design Flowrates

Peak Flow from Domestic -In House Use	242	gpm
Peak Flow from Irrigation Use	137	gpm
Peak Flow from Commercial Use	8	gpm
Fire Flow Requirement	1000	gpm
Total System Demand - Peak	1,386	gpm

System Annual Volume	Reqs	Diversion	Consumptive IDW	Depletion(Hill)
Domestic In-house		12.1	2.4 ac ft	0.97
Condominium		74.6	14.9 ac ft	10.80
Irrigation		48.1	28.9 ac ft	14.35
Commercial		2.8	0.6 ac ft	0.94
Total non-irrigation		89.5	17.9 ac ft	12.7
Total		137.6	46.8 ac ft	27.1

Seasonal Diversion Requirement

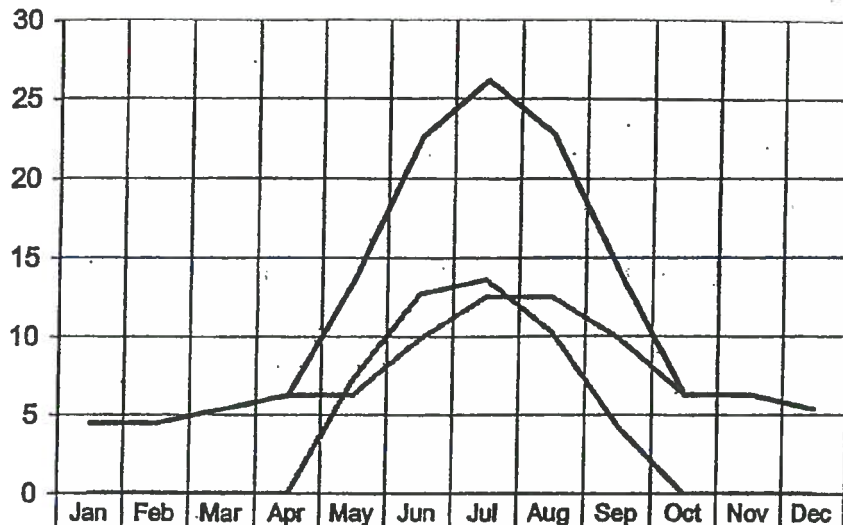
	Irrigation			Other			Total
	Monthly Alfa.ET mm/day	Monthly Req/t Inches	Monthly Ratio	Monthly Req/t af	Monthly Ratio	Monthly Req/t af	
Jan	0	0.00	0.00	0.00	0.05	4.47	4.47
Feb	0	0.00	0.00	0.00	0.05	4.47	4.47
Mar	0	0.00	0.00	0.00	0.06	5.37	5.37
Apr	0	0.00	0.00	0.00	0.07	6.26	6.26
May	3.29	4.02	0.15	7.30	0.07	6.26	13.56
Jun	5.93	7.00	0.26	12.73	0.11	9.84	22.57
Jul	6.14	7.49	0.28	13.62	0.14	12.52	26.14
Aug	4.63	5.65	0.21	10.27	0.14	12.52	22.79
Sep	1.97	2.33	0.09	4.23	0.11	9.84	14.07
Oct	0	0.00	0.00	0.00	0.07	6.26	6.26
Nov	0	0.00	0.00	0.00	0.07	6.26	6.26
Dec	0	0.00	0.00	0.00	0.06	5.37	5.37
Total		26.49	1.00	48.15	1.00	89.46	137.61

Seasonal Consumptive Requirement (Based on R. Hill Depletion)

	Irrigation			Other			Total
	Monthly Alfa.ET mm/day	Monthly Req/t Inches	Monthly Ratio	Monthly Req/t af	Monthly Ratio	Monthly Req/t af	
Jan	0	0.00	0.00	0.00	0.05	0.64	0.64
Feb	0	0.00	0.00	0.00	0.05	0.64	0.64
Mar	0	0.00	0.00	0.00	0.06	0.76	0.76
Apr	0	0.00	0.00	0.00	0.07	0.89	0.89
May	3.29	4.02	0.15	2.17	0.07	0.89	3.06
Jun	5.93	7.00	0.26	3.79	0.11	1.40	5.19
Jul	6.14	7.49	0.28	4.06	0.14	1.78	5.84
Aug	4.63	5.65	0.21	3.06	0.14	1.78	4.84
Sep	1.97	2.33	0.09	1.26	0.11	1.40	2.66
Oct	0	0.00	0.00	0.00	0.07	0.89	0.89
Nov	0	0.00	0.00	0.00	0.07	0.89	0.89
Dec	0	0.00	0.00	0.00	0.06	0.76	0.76
Total		26.49	1.00	14.35	1.00	12.71	27.06

Bear Lake Haven Phase I Water Diversion Requirements

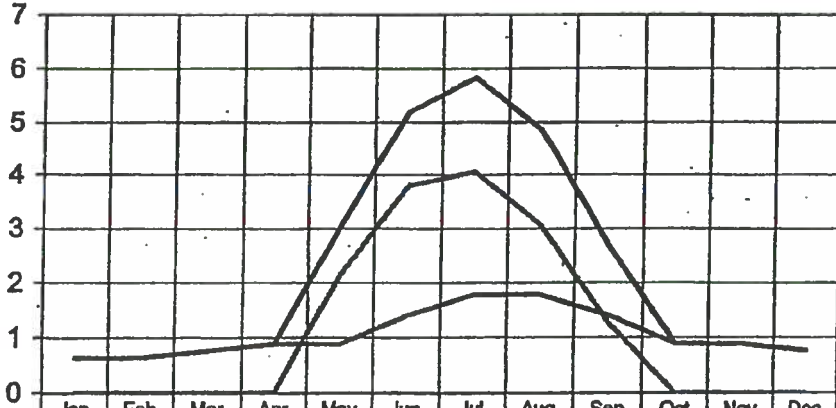
Diversion Volume ac ft



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Irrigation Div.	0.00	0.00	0.00	0.00	7.30	12.7	13.6	10.2	4.23	0.00	0.00	0.00
Dom & Comm Div	4.47	4.47	5.37	6.26	6.26	9.84	12.5	12.5	9.84	6.26	6.26	5.37
Total Div	4.47	4.47	5.37	6.26	13.5	22.5	26.1	22.7	14.0	6.26	6.26	5.37

Bear Lake Haven Phase I Water Consumptive Requirements or Depletion based on R. Hill

Consumptive Use ac ft



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Irrigation Con.	0.00	0.00	0.00	0.00	2.17	3.79	4.06	3.06	1.28	0.00	0.00	0.00
Dom & Comm Con	0.64	0.64	0.76	0.89	0.89	1.40	1.78	1.78	1.40	0.89	0.89	0.76
Total Con	0.64	0.64	0.76	0.89	3.06	5.19	5.84	4.84	2.66	0.89	0.89	0.76

Equivalent Acreage for Project Consumptive Use

Consumptive Use /acre	30.20 inches (Allen and Brockway, 1983)
	2.52 af/year
Project Total Consumptive Use	46.8 acre feet (Allen and Brockway, 1983)
Equivalent Irrigated Acreage	18.6 acres
Project Depletion based on Hill	27.1 af/year
Equivalent Irrigated Acreage	22.9 acres

Fish Haven Ditch Company-Water Shares

Based on data supplied by Leon Howell and Harry Michaelson

Water right number	11-04022	Statutory claim-priority May 18, 1871
Diversion Rate	29.6	cfs
Acreage Irrigated-claim	1920	acres
Claimed place of use	All of Sections 14, 15, and 16 T16S R43E	
Total Shares on System	1600	Based on stock certificates
Total Shares on Johnson Prop.	140.5	
Approx. Johnson share of flow	8.78	percent
Approx. Johnson share of right	2.60	cfs
Total share of right on prop.	2.60	cfs

Estimated Irrig. Season 150 days

Upper North Ditch-31 days to rotate to all users

Days in rotation	31
Shares on Johnson Property	99.5
Water available for 3 hours/share	298.5 hours
	12.4 days
Days on in rotation	12.4
Days off in rotation	18.6
Total days on in season	60.2

Number 1 Ditch

Days in rotation	12.65
Shares on Johnson Property	20
Water available for 3 hours/share	60 hours
	2.5 days
Days on in rotation	2.5
Days off in rotation	10.2
Total days on in season	29.6

Number 3 Ditch

Days in rotation	31.65
Shares on Johnson Property	21
Water available for 3 hours/share	63 hours
	2.6 days
Days on in rotation	2.6
Days off in rotation	29.0
Total days on in season	12.4

Consumptive Volume(depletion) to be returned to Bear Lake

	27.1	acre feet
Number of days shares available	102.3	days in all ditches
Average flow for mitigation	0.26	af/day for 102days
	0.13	cfs for 102days
	60	gpm for 102days

**DEPLETION ANALYSIS FOR PHASE I BEAR LAKE HAVEN SUBDIVISION
USING "PROCEDURES FOR ESTIMATING DEPLETION OF MUNICIPAL, DAIRY,
AND AGRICULTURAL CROP WATER USE IN THE LOWER BEAR RIVER BASIN
IN IDAHO" BY ROBERT W. HILL P.E.**

Paper presented at Public Hearings July 2, 1997 in Preston and Soda Springs, ID
and supplemented with 1998 paper

Calcs for Bear Lake Haven Subdivision by Brockway Engineering, PLLC April 29, 2002
Based on precip., Consumptive Use, and Depletion for Bear Lake County, ID by R. Hill

DOMESTIC POTABLE WATER - Home Sites

Potable(culinary) water supplied from municipal system

Wastewater treatment by on-site systems (septic tank/drainfield-non consumptive)

No. of lots	36	municipal water & Individual on-site sewage		
Average occupancy	4	persons		
Average daily diversion demand - potable	100	gpcd		
Average daily demand-potable/connection	400	gpd		Utah avg day design vol.
Daily Home Site volume	14,400	gpd		
Average annual percent occupancy	40.2	%		0
Annual volume used	2,111,040	gal =	6.48	ac-ft
Percent depletion of culinary water-in house	5	percent		
Annual volume of culinary water in-house depletion	105552	gal =	0.32	ac-ft
Wastewater from culinary in-house water use(to drain field)	2,005,488			
Est. percent depletion from drain field treatment**	10	%		
Volume of depletion from wastewater disposal(drainfields)	211104	gal =	0.65	ac-ft
Annual vol.depletion of culinary water-Homesites	316656	gal =	0.97	ac-ft

DOMESTIC POTABLE WATER - Condominium

Potable(culinary) water supplied from municipal system

Wastewater treatment in regional system (lagoons)

Number of Buildings	64			
No. of Units	256			
Average occupancy	4	persons		
Average daily demand - potable	70	gpcd		
Average daily demand-potable/unit	280	gpd		Utah avg day design vol.
Avg. Daily Condominium volume	71,680	gpd		
Average annual percent occupancy	40.2	%		
Annual volume used	10,508,288	gal =	32.25	ac-ft
Percent depletion of culinary water-in-house	5	percent		
Annual In-house depletion of culinary water-	525414.4	gal=	1.61	ac-ft
Wastewater to regional sewer system-lagoons***	9,982,874	gal=	30.64	ac-ft
Percent of wastewater to lagoon evaporated	30	percent		
Annual wastewater evaporated	2994862.1	gal=	9.19	ac-ft
Annual vol.depletion of culinary water-Condominiums	3520276.5	gal=	10.80	ac-ft

POTABLE WATER - Commercial

Potable water supplied by municipal system

Wastewater treatment in regional system (lagoons)

Estimated Amount of Commercial Footage

GPD per 1,000 sq ft of Commercial Use

Average daily volume demand

Average annual percent occupancy

Annual volume*

Percent depletion of culinary water-in-house

Annual in-house depletion of culinary water-

Wastewater to regional sewer system-lagoons***

Percent of wastewater to lagoon evaporated

Annual wastewater evaporated

10,000	sq ft		
250	gpd/1,000 sq ft		
2,500	gpd		
100	%		
912,500	gal =	2.80	ac-ft
	5 percent		
45625	gal=	0.14	ac-ft
866,875	gal=	2.66	ac-ft
	30 percent		
260062.5	gal=	0.80	ac-ft
305687.5	gal=	0.94	ac-ft

Annual vol.depletion of culinary water-Commercial

IRRIGATION

Irrigation water delivered by municipal system

Dpl=Et - SMco - Pef Dpl=depletion, Et=crop water use, Smco=soil moisture carryover

Pef=Effective precipitation(May-September)

Crop water use (Et)and Effective Precipitation(Pef) for Soda Springs, ID from R. Hill, 1997

Irrigated Area per lot

Irrigated area per condominium bldg

Total Irrigated area

Crop consumptive use - Pasture grass

5000	ft ²
5000	ft ²
11.5	acres
15.00	inches (Bear Lake County Hill 1998)

Annual vol. Depletion from Irrigation

14.35 ac-ft

Annual Project Depletion

Culinary-Homesites

1.0

Culinary-Condominiums

10.8

Commercial

0.94

Irrigation

14.35

Total Annual Project Depletion

27.1 ac-ft

Equivalent Acreage for Project Consumptive Use

Depletion for pasture grass**

14.20 inches (Bear Lake County) Hill 1998

or

1.18 af/year

Project Total Annual Depletion

27.1 acre feet

Equivalent Irrigated Acreage

22.9 acres

** Includes carry-over soil moisture and adjustment for non-growing season Et (Hill, 1998, personal comm.)

*** Regional sewer system includes lagoons with outflow to wetlands and Bear Lake

* Depletion from on-site sewage disposal assumes some effluent may reach ground surface and contribute to vegetation Et or evaporation

EXHIBIT "B"

Application for Permit No. 11-7491 and Mitigation Plan

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 11-7491

To appropriate the public waters of the State of Idaho

1. Name of applicant Sam's Hollow Water Company Phone 208 232 6101
Post Office address 201 E. Center Street, Pocatello, ID 83201
2. Source of water supply Ground Water which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____
Sec. 10 Township 16S Range 43E B.M. Bear Lake County; additional
points of diversion, if any: NW 1/4 NW 1/4 Sec 11, NW 1/4 SW 1/4 Sec 2
4. Water will be used for the following purposes:
Amount 1.22 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity being appropriated is (a) 1.22 and/or (b) _____
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
Three wells and central pipeline distribution system and storage tanks
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 8 inches; proposed depth of well is 400 feet
 - d. Is groundwater with a temperature of greater than 85 degrees being sought? No
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households Phase II development, 241 single family homes;
 - e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	43E	2									D	D	D	D		D			
		10	D	D	D	D													
		11		D	D		D	D											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Johnson Dev. Co

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The owners of lots within the subdivisions will be members of Sam's Hollow Water Company

12. Remarks: Sam's Hollow Water Company will serve all lots within the service area with a common central water system with three wells. Sam's Hollow Water Company will also operate a common central water system in Phase I of this project but under a different water right. See attached Narrative

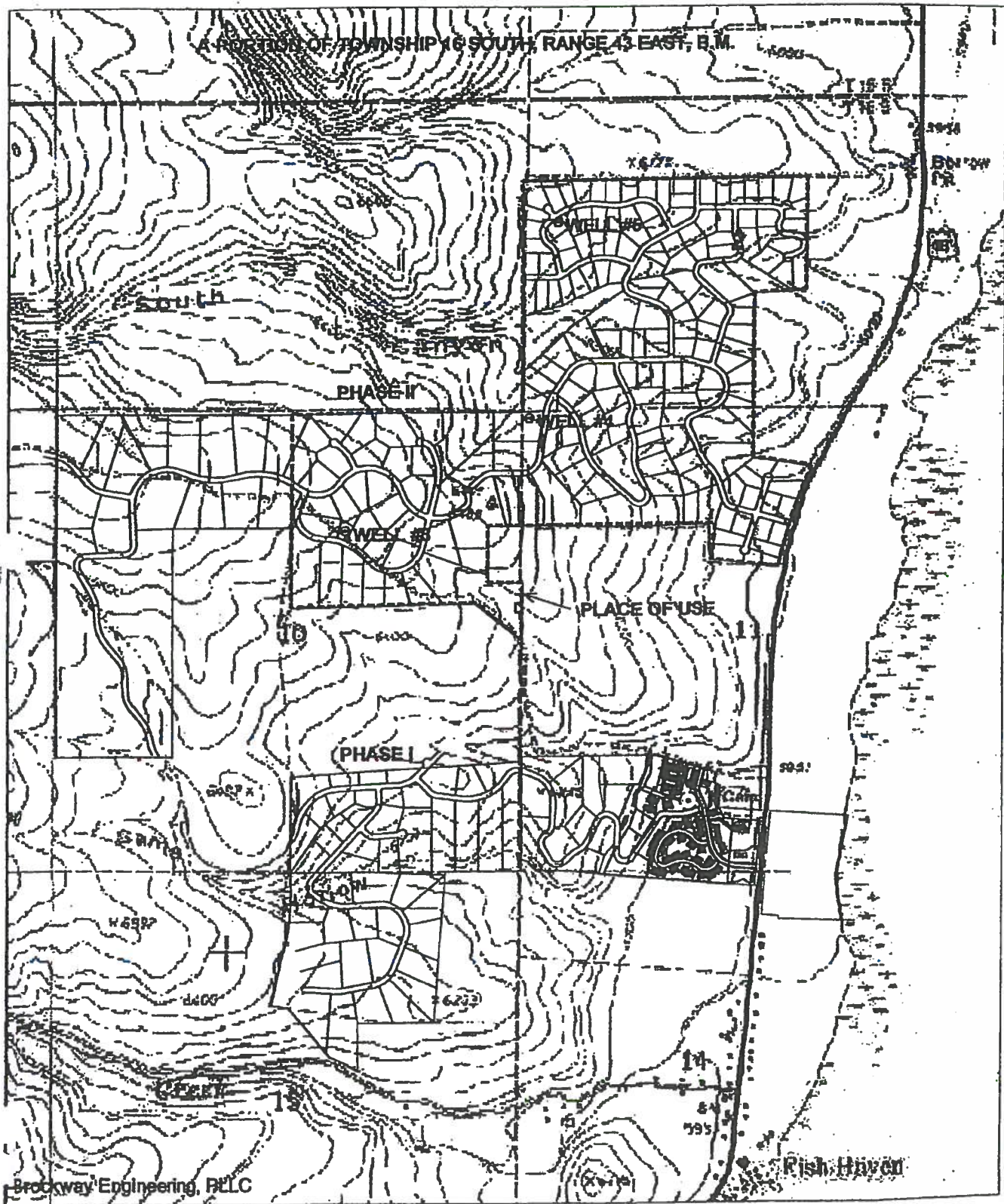
13. MAP OF PROPOSED PROJECT ATTACHED _____ show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Randall C. Budge, Attorney and Agent
(Applicant) For Applicant

Received by HWT Date 1-11-02 Time _____ Preliminary check by _____
Fee \$ 290.00 Received by HWT # E027374 Date 1-11-02
Publication prepared by SC Date 5/7 & 5/14/03 Published in News Examiner
Publication approved _____ Date _____

SAM'S FOLLOW WATER COMPANY BEAR LAKE HAVEN PHASE II



Narrative in Support of Application for Permit
Sam' Hollow Water Company
Bear Lake Haven Phase II

Bear Lake County

Revised April 29, 2002

Sam's Hollow Water Company was organized in 2001 to own and operate a central water system and manage water and water rights for Members of the Corporation. The Company is currently organized to supply domestic and irrigation water from two wells in Sections 11 and 15, T16S, R43E B.M. for Phase I of the Bear Lake Haven Project near Fish Haven in Bear Lake County, Idaho. The Company service area will be expanded to serve additional homes in Phase II of the Project located in Sections 2, 10 and 11, T16S, R43E. Sam's Hollow Water Company is an Idaho Nonprofit Corporation.

The Company currently is scheduled to serve domestic and irrigation water for 36 single family homes, 256 condominiums, and 10,000 sq ft of commercial area in Phase 1 of the project. The common water system for Phase II of the project will serve 241 single-family residences as shown on the accompanying map. Fifteen (15) lots in Phase II will be served by individual wells. The wells on the fifteen lots will be developed by individual lot owners under Sec 42-111a of the Idaho Code and will therefore be exempt from permit requirements.

Two wells, No. 1 and 2, were drilled and tested in the Phase I area in 2000 and 2001 by Johnson Development Co. These were drilled as test wells to determine the yield of the local aquifer and pumping rates of 160 gpm and 580 gpm were obtained. Three additional wells are proposed for Phase II of the project as shown on the attached map. Geologic evidence indicates that the aquifer underlying the Phase 2 lands is similar to that underlying the Phase I land where the two test wells were drilled. It is expected therefore that additional wells necessary for Phase II of the project can be obtained. All water rights pertinent to the water system will be owned by Sam's Hollow Water Company.

Application for Permit No. 11-7481 was submitted by Sam's Hollow Water Company in October 2001 to IDWR for a water right for Phase I of the project. This application included a mitigation plan whereby consumptive depletions to Bear Lake would be mitigated by utilization of surface water rights from Fish Haven Creek, which are applicable to lands of members of the Company. This application for ground water to supply 241 homes in Phase II of the project contemplates similar use of Fish Haven Creek irrigation rights for mitigation.

Member's of Sam's' Hollow Water Company own shares in the Fish Haven Irrigation Company which provides water from Fish Haven Creek for irrigation of lands within the project. It is recognized that groundwater in the aquifer underlying the project is tributary to Bear Lake as is Fish Haven Creek. Additional consumptive use of water from the aquifer by pumping for the project can result in reductions of inflow to Bear Lake.

For Phase II of the Bear Lake Haven Project, it is estimated that the total annual diversion from ground water for project use will equal 197.0 acre feet and that the total annual depletion from irrigation of 27.9 acres of irrigation associated with houses and facilities and domestic in-house use will equal 41.1 acre feet. An estimate of additional depletion of the water resource was made using procedures developed by Dr. Robert Hill. This procedure estimates depletions from home sites and condominiums, commercial development, and irrigation around facilities and accounts for depletions from in-house use, on-site wastewater treatment facilities, and irrigation consumptive use. The total depletion from planned facilities in Phase 2 of the project utilizing the Hill estimating procedure will equal 41.1 acre feet per year.

To mitigate for additional consumptive use of ground water by the project, it is proposed to divert the Sam's Hollow Water Company shares of Fish Haven Irrigation Company but return sufficient volume of the diverted water directly to Bear Lake to mitigate for additional consumptive use on the project. Historically, water for project lands has been diverted through three ditches operated by the Fish Haven Water Users, namely the Upper North Ditch, and Ditches #1 and #3. Sufficient water thus diverted to project lands will be returned by pipeline and/or ditches to Bear Lake and will not be used for irrigation. It is therefore proposed to return 41.1 acre feet of water diverted from Fish Haven Creek during the irrigation season directly to Bear Lake to mitigate for any increased depletion by the project.

A water measurement and monitoring program will be maintained to assure that sufficient irrigation water diverted under Company owned shares in the Fish Haven Irrigation Company does, in fact, reach Bear Lake through pipelines and ditches constructed as part of the project. A pipeline with in-line totalizing flow meter will be installed at the lower end of the project to measure the flow being returned directly to Bear Lake. Reports of volumes of water returned to Bear Lake will be supplied to IDWR and any other interested parties.

Negotiations with the Board of Fish Haven Irrigation Company to allow use of diverted shares for return to Bear Lake to mitigate for increased project consumptive use have been held and they are in agreement with the proposal.

Shares of Fish Haven Ditch Company, which are owned by members of Sam's Hollow Water Company, include 140.5 shares currently owned by Howard Johnson. There are 99.5 shares in the Upper North Ditch, 20 shares in the Number 1 Ditch, and 21 shares in the Number 3 ditch. Based on rotation data supplied by Leon Howell and Harry Michaelson of the Fish Haven Ditch Co., water from these three ditches would be available to the project on a rotation basis with the Upper North Ditch on 12.4 days out of a 31-day rotation period. Number 1 ditch would be on 2.5 days out of a 12.65-day rotation, and Number 3 ditch would be on 2.6 days out of a 31.65-day rotation. For a 150 day irrigation season, these three ditches would be on about 60.2, 29.6, and 12.4 days respectively or a total of 102.3 days total when one or more ditches would be delivering water to project lands. To mitigate for the Phase II project consumptive use of 41.1 acre feet, an average flow of 0.20 cfs or 10 miners inches for the 102.3 days would have to be returned directly to Bear Lake.

Using procedures developed by Robert Hill, mitigation of the 41.1 af of depletion would require that 34.7 acres of historically irrigated land be dried up. This would consist of any irrigated areas within the project upon which structures or roads would be built and other irrigated land taken out of production. The mitigation plan for Phase I of the project required mitigation for 21.7 af/year or an average flow of .13 cfs or 6.5 miners inches for the 102.3 days for which irrigation water is normally available to the Project. The combined Phase I and Phase II mitigation for depletion is therefore 41.1 + 21.7 or 62.8 af/year. An average flow of 0.33 cfs or 16.5 miners inches for the 102.3 days will be required to be returned to Bear Lake.

Documentation of the amount of water available to the project through any of the three ditches will require water measurement and accounting of water deliveries throughout the season. Sam's Hollow Water Company will assist in installing additional water measurement and monitoring equipment on ditches diverting from Fish Haven Creek, and will install a water measuring and flow totalizing device on the return pipe or ditch to Bear Lake to assure that the required mitigation water does return to the lake. Diversions to project lands under the project's shares will continue as determined by the Board of Fish Haven Water Users and a water accounting and reporting program will be implemented by Sam's Hollow Water Company to account for all water mitigation water diverted directly to Bear Lake.

To estimate the affect of the additional wells in the aquifer on water levels and local well interference, observation wells were measured during the pumping tests of wells #1 and #2. A calculation of the drawdown effects of pumping an 8-inch diameter well at estimated maximum-pumping levels was performed.

During the pumping test of well #1 in November 2000, the well was pumped at a maximum rate of 138 gpm with a measured drawdown of approximately 88 feet. Two observation wells were measured during the eight-hour test. Observation well #1 was located in Fish Haven near the condominium complex south of the highway approximately 3382 feet south west of the pumped well. Depth to water was 4' 7" prior to the pumping test and did not change during the eight hours of pumping well #1. Observation well #2 was an unused 8 inch diameter well with a hand pump located 1065.7 feet north east of the pumped well near the intersection of the cemetery road and the highway. Depth to water before the pumping test was 15' 28 1/2". The water level in the well did not change during the pumping test of well #1.

Utilizing the drawdown and discharge data from the pumped wells, a computer program based on the Theis equation was used to estimate drawdown at various distances from a pumped well. This analysis showed the estimated drawdown at distances up to 1000 feet from an 8-inch diameter well pumping continuously at 300 gpm. The design maximum discharge for Phase II is 1.22 cfs (547 gpm) pumping from two or three wells.

The drawdown from a well pumping 300 gpm continuously for 50 days would be 1.84 feet at a distance of 1000 feet from the well. This estimate is conservative since the production wells will not pump continuously but will cycle on and off depending on the demand. A more likely scenario is that an individual well would pump one half the average daily domestic demand plus the irrigation demand of 200 gpm for 24 to 48 hours.

In which case, the drawdown caused by the pumped well would be imperceptible at 500 feet from the well.

The aquifer yield for both Phase I and Phase II is more than adequate to supply the domestic and irrigation demands of the project and local well interference will not be significant. Planned locations for wells in Phase II and Phase I are more than 1000 feet from any domestic or municipal wells.

Well Interference Analysis Bear Lake Haven Wells

Estimated Well Drawdown

C.E. BROCKWAY Jan 4, 2002 Brockway Engineering, L.L.C.

Wellint.xls

AQUIFER PROPERTIES BASED ON INITIAL PUMP TEST-Well No 1
EST. HOLE DIA. 8 INCHES

WIS FORMULA $S=114.6 \cdot Q/T \cdot W(U)$

D_i = DOWN IN FT

Q = PUMPING RATE GPM

T = COEFFICIENT OF TRANSMISSIBILITY GPD/FT

W(U) = WELL FUNCTION OF U

$W(U) = -0.5772 - \text{LOG}eU + U \cdot U^{1/2}/(2 \cdot 2) + U^{3/2}/(3 \cdot 3) - U^{5/2}/(4 \cdot 4) + \dots$

$U = 1.87 \cdot r^2 \cdot S/(T \cdot t)$

r = DISTANCE IN FT. FROM CENTER OF PUMPED WELL TO DRAWDOWN POINT

S = COEFFICIENT OF STORAGE

T = COEFFICIENT OF TRANSMISSIBILITY, GPD/FT

t = TIME SINCE PUMPING STARTED, DAYS

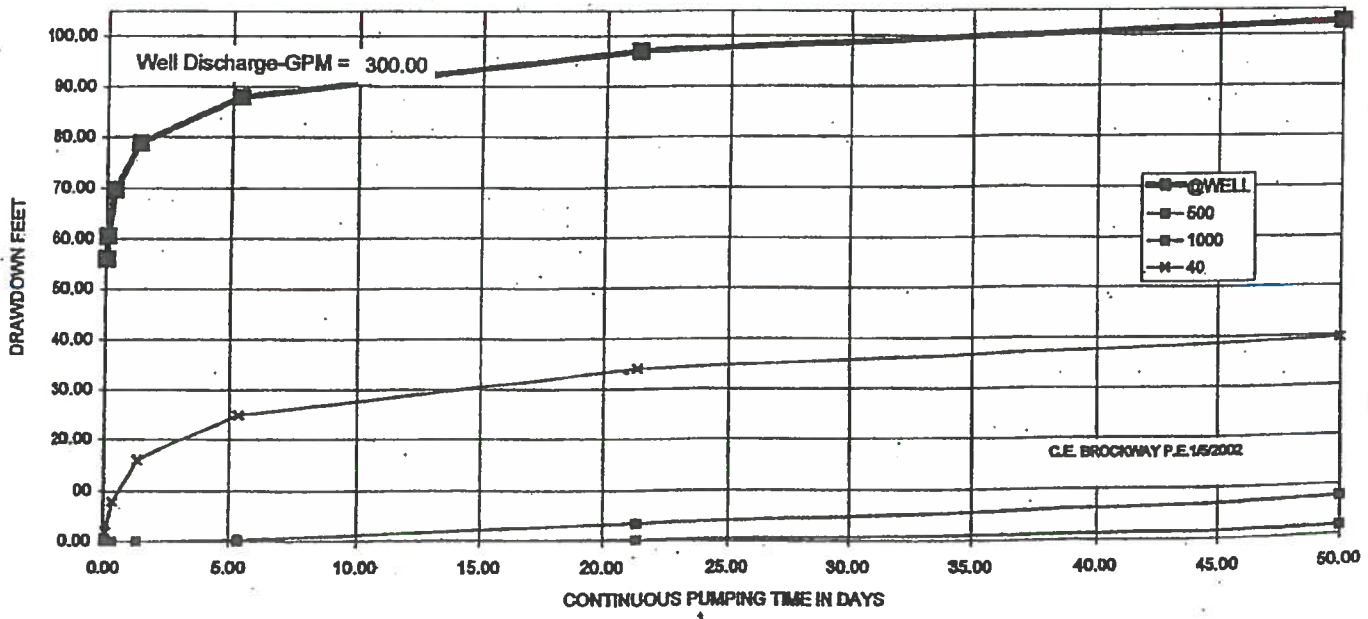
INPUT

r1= 0.333 FT K= 2.00 FT/DAY <-----
r2= 40 FT K= 2.3148E-05 CFS/FT^2
r3= 500 FT K= 1.49E+01 GPD/FT^2
r4= 1000 FT WRIGHT SAT. DEPTH EST.= 350 FT
r5= 6280 FT TRANSMISSIVITY= 5222 GPD/FT
S= 0.12 TRANSMISSIVITY= 8.08E-03 FT^2/SEC
T= 5222 GPD/FT TRANSMISSIVITY= 698.1 FT^2/DAY
QWELL 300.00 GPM = 0.668 CFS

TIME	TIME	U	WELL	DRAW	SPEC.	U	WELL	DRAW	U	WELL	DRAW	U	WELL	DRAW
HOURS	DAYS	W(r1)	FUNCT.	DOWN	CAP	W(r2)	FUNCT.	DOWN	W(r3)	FUNCT.	DOWN	W(r4)	FUNCT.	DOWN
		0.33333333	W(U)1	@WELL	GPM/FT	40	W(U)2	@ 40	500	W(U)3	500	1000	W(U)4	@ 1000
1	0.04	1.146E-04	8.4970	55.94	5	1.850E+00	0.0802	0.53	2.578E+02	0.0000	0.00	1.031E+03	0.0000	0.00
2	0.08	5.730E-05	9.1901	60.60	6	8.251E-01	0.2989	1.95	1.289E+02	0.0000	0.00	5.157E+02	0.0000	0.00
8	0.33	1.432E-05	10.5764	69.63	4	2.063E-01	1.1975	7.88	3.223E+01	0.0000	0.00	1.289E+02	0.0000	0.00
32	1.33	3.581E-06	11.9627	78.78	4	5.157E-02	2.4386	18.05	8.057E+00	0.0000	0.00	3.223E+01	0.0000	0.00
128	5.33	8.953E-07	13.3490	87.89	3	1.289E-02	3.7868	24.93	2.014E+00	0.0480	0.32	8.057E+00	0.0000	0.00
512	21.33	2.238E-07	14.7353	97.01	3	3.223E-03	5.1635	33.99	5.039E-01	0.5555	3.68	2.014E+00	0.0480	0.32
1200	50.00	9.549E-08	15.5870	102.62	3	1.375E-03	6.0134	39.59	2.149E-01	1.1644	7.87	8.594E-01	0.2793	1.84

HOURS	DAYS	@WELL	40	500	1000	DISTANCE FEET
1	0.04	-65.94	-0.53	0.00	0.00	
2	0.08	-60.60	-1.95	0.00	0.00	
8	0.33	-69.63	-7.88	0.00	0.00	
32	1.33	-78.78	-18.05	0.00	0.00	
128	5.33	-87.89	-24.93	-0.32	0.00	
512	21.33	-97.01	-33.99	-3.68	-0.32	
1200	50.00	-102.62	-39.59	-7.87	-1.84	

ESTIMATED DRAWDOWN FROM AN 8 IN. DIA WELL-BEAR LAKE HAVEN



Hydraulic and Nutrient Loadings and Limits

J. R. Simplot Company - Aberdeen Plant land application - Pratt site

3-Jan-02

Brockway Engineering, PLLC

YEAR-ROUN DRIP IRRIGATION

Total available site acres (approximate) 1440 acres
Weighted average soil WHC in 60" 11 inches
Total soil storage volume 430.1 MG
Irrigation application efficiency 0.85

Crop uptake (lb/ac):
NVDS 1500
TKN 360
Total P 31
Total K 300

Growing Season

Process water daily flow 1.1 MGD
Operating days in GS, 4/1-10/31 193 days
Process water flow 212.3 MG
Average crop ET - alfalfa 37.48 inches
Precipitation - assume minimal 1.0 inches

Irrigation water requirement 36.45 inches
Amount supplied by process water 5.43 inches
Required supplemental water 31.02 inches = 1212.8 MG

Parameter	Process C (mg/l)	Supplemental C (mg/l)	Total load (lbs)	Per-acre Limit*	Units	Acres Required
COD	3000	0	5311746	50	Average lb/ac/day	550
NVDS	1000	367	5482574	2250	Total lb/ac/year	2437
				4000		1371
TKN	150	1.2	277725	540	Total lb/ac/year	514
Total P	27	0.03	48109	46.6	Total lb/ac/year	1035
Total K	300	3.9	570621	450	Total lb/ac/year	1268

* Annual

Non-Growing Season

Process water daily flow 1.1 MGD
Operating days in NGS, 11/1 - 3/31 137 days
Process water flow 150.7 MG
ET 3.00 inches
Precipitation 3.57 inches

Process water applied 3.85 inches
Limit - 50% of soil storage 5.50 inches

Parameter	Process C (mg/l)	Supplemental C (mg/l)	Total load (lbs)	Per-acre Limit*	Units	Acres Required
COD	3000	n/a	3770514	50	Average lb/ac/day	391
NVDS	1000	n/a	1256838	2250	Total lb/ac	559
TKN	150	n/a	188526	540	Total lb/ac	349
Total P	27	n/a	33935	47	Total lb/ac	730
Total K	300	n/a	377051	450	Total lb/ac	838

* NGS only

EXHIBIT "C"

Narratives and Depletion Analysis in Support of Sam's Hollow
Phase I and Phase II Applications, Revised October 7, 2003

Narrative in Support of Application for Permit
Sam' Hollow Water Company Phase I
Revised October 7, 2003

Bear Lake County

This narrative is being revised to reflect changes in the service area for the proposed project which reduces the number of residential lots from 63 to 36. This revision also evaluates the depletion from Phase 1 assuming that the St Charles sewage lagoons are complete containment facilities. The commercial area and condominium units will remain the same size and sewage effluent from these units will be directed to the St Charles sewage lagoons. The calculation of depletions to the Bear River and Bear Lake is based on procedures developed by Robert Hill and outlined in papers on "Procedures for Estimating Depletion of Municipal, Dairy, and Agricultural Crop Water Use in the Lower Bear River Basin In Idaho" presented in 1997 and 1998.

Sam's Hollow Water Company is organized to own and operate a central water system and manage water and water rights for Members of the Corporation. The ultimate service area of the Company will include two phases of subdivision development. In Phase 1, the Company will supply domestic and irrigation water from two or more wells in Sections 11 and 15, T16S, R43E, B.M. near Fish Haven in Bear Lake County, Idaho. Sam's Hollow Water Company is an Idaho Nonprofit Corporation.

In Phase 1, the Company will serve domestic and irrigation water for 36 residences, 256 condominium units, and 4 commercial enterprises in Phase 1 of the project.

The wells will provide ground water for the system as shown on the enclosed map. Wells No 1 and No 2 were drilled by Johnson Development Co in 2000 and 2001 as test wells to determine the yield of the local aquifer. All water rights pertinent to the water system will be owned by Sam's Hollow Water Company.

Members of Sam's Hollow Water Company own shares in the Fish Haven Irrigation Company which provides water from Fish Haven Creek for irrigation of lands within the project. It is recognized that groundwater in the aquifer underlying the project is tributary to Bear Lake as is Fish Haven Creek. Additional consumptive use of water from the aquifer by pumping for the project can result in reductions of inflow to Bear Lake.

It is estimated that the total annual diversion from ground water for project use under Phase 1 will equal 136.7 acre feet and the project will irrigate 11.5 acres of turf and landscaping around facilities and buildings.

An estimate of additional depletion of the water resource was made using procedures developed by Dr. Robert Hill. This procedure estimates depletions from home sites and condominiums, commercial development, and irrigation around facilities and accounts for depletions from in-house use, wastewater treatment facilities, and irrigation consumptive use. It is estimated that the total depletion from planned facilities in Phase I of the project will equal 50.4 acre feet per year. To mitigate for additional depletion from ground water by the project, it is proposed to divert the Sam's Hollow Water Company shares of Fish Haven Irrigation Company but return sufficient volume of the diverted

water directly to Bear Lake to mitigate for additional consumptive use on the project. Historically, water for project lands has been diverted through three ditches operated by the Fish Haven Water Users, namely the Upper North Ditch, and Ditches #1 and #3. Sufficient water thus diverted to project lands will be returned by pipeline and/or ditches to Bear Lake and will not be used for irrigation. It is therefore proposed to return 50.4 acre feet of water diverted from Fish Haven Creek during the irrigation season directly to Bear Lake to mitigate for any increased depletion by the project.

A water measurement and monitoring program will be maintained to assure that sufficient irrigation water diverted under Company owned shares in the Fish Haven Irrigation Company does, in fact, reach Bear Lake through pipelines and ditches constructed as part of the project. A pipeline with in-line totalizing flow meter will be installed at the lower end of the project to measure the flow being returned directly to Bear Lake. Reports of volumes of water returned to Bear Lake will be supplied to IDWR and any other interested parties.

Negotiations with the Board of Fish Haven Irrigation Company to allow use of diverted shares for return to Bear Lake to mitigate for increased project consumptive use have been held and they are in agreement with the proposal

Shares of Fish Haven Ditch Company which are owned by members of Sam's Hollow Water Company include 140.5 shares currently owned by Howard Johnson. There are 99.5 shares in the Upper North Ditch, 20 shares in the Number 1 Ditch, and 21 shares in the Number 3 ditch. Based on rotation data supplied by Leon Howell and Harry Michaelson of the Fish Haven Ditch Co., water from these three ditches would be available to the project on a rotation basis with the Upper North Ditch on 12.4 days out of a 31 day rotation period, Number 1 ditch would be on 2.5 days out of a 12.65 day rotation and Number 3 ditch would be on 2.6 days out of a 31.65 day rotation. For a 150 day irrigation season, these three ditches would be on about 60.2, 29.6, and 12.4 days respectively or a total of 102.3 days total when one or more ditches would be delivering water to project lands. To mitigate for the project consumptive use of 27.1 acre feet, an average flow of 0.25 cfs or 12.5 miners inches for the 102.3 days would have to be returned directly to Bear Lake.

Using procedures developed by Robert Hill, mitigation of the 50.4 af of depletion would require that 42.7 acres of historically irrigated land be dried up. This would consist of any irrigated areas within the project upon which structures or roads would be built and other irrigated land taken out of production.

Documentation of the amount of water available to the project through any of the three ditches will require water measurement and accounting of water deliveries throughout the season. Sam's Hollow Water Company will assist in installing additional water measurement and monitoring equipment on ditches diverting from Fish Haven Creek and will install a water measuring and flow totalizing device on the return pipe or ditch to Bear Lake to assure that the required mitigation water does return to the lake. Diversions to project lands under the project's shares will continue as determined by the Board of Fish Haven Water Users and a water accounting program will be implemented by Sam's Hollow Water Company to account for all mitigation water diverted directly to Bear Lake.

**DEPLETION ANALYSIS FOR PHASE I BEAR LAKE HAVEN SUBDIVISION REV
USING "PROCEDURES FOR ESTIMATING DEPLETION OF MUNICIPAL, DAIRY,
AND AGRICULTURAL CROP WATER USE IN THE LOWER BEAR RIVER BASIN
IN IDAHO" BY ROBERT W.HILL P.E.**

10/3/2003

**Paper presented at Public Hearings July 2, 1997 in Preston and Soda Springs, ID
and supplemented with 1998 paper**

Calcs for Bear Lake Haven Subdivision by Brockway Engineering, PLLC Jan. 29, 2002

Based on precip., Consumptive Use, and Depletion for Bear Lake County, ID by R. Hill

Assumes St Charles Sewage Lagoons are 100% Evaporative

DOMESTIC POTABLE WATER - Home Sites

Potable(culinary) water supplied from municipal system

Wastewater treatment by on-site systems (septic tank/drainfield-non consumptive)

No. of lots	36	municipal water & Individual on-site sewage		
Average occupancy	4	persons		
Average daily diversion demand - potable	100	gpcd		
Average daily demand-potable/connection	400	gpd	Utah avg day design vol.	
Daily Home Site volume	14,400	gpd		
Average annual percent occupancy	40.2	%		
Annual volume used	2,112,912	gal =	6.48	ac-ft
Percent depletion of culinary water-in house	5	percent		
Annual volume of culinary water in-house depletion	105645.6	gal =	0.32	ac-ft
Wastewater from cullinary in-house water use(to drain field)	2,007,266			
Est. percent depletion from drain field treatment**	10	%		
Volume of depletion from wastewater disposal(drainfields)	211291.2	gal =	0.65	ac-ft
Annual vol.depletion of culinary water-Homesites	316936.8	gal =	0.97	ac-ft

DOMESTIC POTABLE WATER - Condominium

Potable(culinary) water supplied from municipal system

Wastewater treatment in regional system (lagoons)

Number of Buildings	64			
No. of Units	256			
Average occupancy	4	persons		
Average daily demand - potable	70	gpcd		
Average daily demand-potable/unit	280	gpd	Utah avg day design vol.	
Avg. Daily Condominium volume	71,680	gpd		
Average annual percent occupancy	40.2	%		
Annual volume used	10,507,141	gal =	32.25	ac-ft
Percent depletion of culinary water-in-house	5	percent		
Annual In-house depletion of culinary water-	525357.06	gal=	1.61	ac-ft
Wastewater to regional sewer system-lagoons***	9,981,784	gal=	30.64	ac-ft
Percent of wastewater to lagoon evaporated	100	percent		
Annual wastewater evaporated	9981784.1	gal=	30.64	ac-ft
Annual vol.depletion of culinary water-Condominiums	10507141	gal=	32.25	ac-ft

POTABLE WATER - Commercial

Potable water supplied by municipal system

Wastewater treatment in regional system (lagoons)

Estimated Amount of Commercial Footage

GPD per 1,000 sq ft of Commercial Use

Average daily volume demand

Average annual percent occupancy

Annual volume*

Percent depletion of culinary water-in-house

Annual In-house depletion of culinary water-

Wastewater to regional sewer system-lagoons***

Percent of wastewater to lagoon evaporated

Annual wastewater evaporated

10,000	sq ft		
250	gpd/1,000 sq ft		
2,500	gpd		
100	%		
912,500	gal =	2.80	ac-ft
	5 percent		
45625	gal=	0.14	ac-ft
866,875	gal=	2.66	ac-ft
	100 percent		
866875	gal=	2.66	ac-ft

Annual vol.depletion of culinary water-Commercial

912500 gal= 2.80 ac-ft

IRRIGATION

Irrigation water delivered by municipal system

Dpl=Et - SMco - Pef Dpl=depletion, Et=crop water use, Smco=soil moisture carryover

Pef=Effective precipitation(May-September)

Crop water use (Et)and Effective Precipitation(Pef) for Soda Springs, ID from R. Hill, 1997

Irrigated Area per lot	5000	ft^2
Irrigated area per condominium bldg	5000	ft^2
Total irrigated area	11.5	acres
Crop consumptive use - Pasture grass	21.00	inches (Bear Lake County)??
Precipitation		
Oct-Apr		inches (Bear Lake County)
May-Sep		inches (Bear Lake County)
Annual Total		inches (Bear Lake County)
Useable**		inches (Bear Lake County)
Depletion (Sprinkler-Turf Grass)**	15.00	inches (Bear Lake County) Hill 1998
Annual vol. Depletion from Irrigation	14.35	ac-ft

Annual Project Depletion

Culinary-Homesites	1.0	
Culinary-Condominiums	32.2	
Commercial	2.80	
Irrigation	14.35	
Total Annual Project Depletion	50.4	ac-ft

Equivalent Acreage for Project Consumptive Use

Depletion for pasture grass** 14.20 inches (Bear Lake County) Hill 1998
or 1.18 af/year

Project Total Annual Depletion 50.4 acre feet

Equivalent Irrigated Acreage 42.6 acres

** Includes carry-over soil moisture and adjustment for non-growing season Et (Hill, 1998, personal comm.)

*** Regional sewer system includes lagoons with no outflow to wetlands and Bear Lake

Depletion from on-site sewage disposal assumes some effluent may reach ground surface and contribute to vegetation Et or evaporation

Narrative in Support of Application for Permit
Sam' Hollow Water Company
Bear Lake Haven Phase II

Bear Lake County

Revised October 7, 2003

Sam's Hollow Water Company was organized in 2001 to own and operate a central water system and manage water and water rights for Members of the Corporation. The Company is currently organized to supply domestic and irrigation water from two wells in Sections 11 and 15, T16S, R43E B.M. for Phase I of the Bear Lake Haven Project near Fish Haven in Bear Lake County, Idaho. The Company service area will be expanded to serve additional homes in Phase II of the Project located in Sections 2, 10 and 11, T16S, R43E. Sam's Hollow Water Company is an Idaho Nonprofit Corporation.

The Company currently is scheduled to serve domestic and irrigation water for 36 single family homes, 256 condominiums, and 10,000 sq ft of commercial area in Phase 1 of the project. The common water system for Phase II of the project will serve 241 single-family residences as shown on the accompanying map. Fifteen (15) lots in Phase II will be served by individual wells. The wells on the fifteen lots will be developed by individual lot owners under Sec 42-111a of the Idaho Code and will therefore be exempt from permit requirements.

Two wells, No. 1 and 2, were drilled and tested in the Phase I area in 2000 and 2001 by Johnson Development Co. These were drilled as test wells to determine the yield of the local aquifer and pumping rates of 160 gpm and 580 gpm were obtained. Three additional wells are proposed for Phase II of the project as shown on the attached map. Geologic evidence indicates that the aquifer underlying the Phase 2 lands is similar to that underlying the Phase I land where the two test wells were drilled. It is expected therefore that additional wells necessary for Phase II of the project can be obtained. All water rights pertinent to the water system will be owned by Sam's Hollow Water Company.

Application for Permit No. 11-7481 was submitted by Sam's Hollow Water Company in October 2001 to IDWR for a water right for Phase I of the project. This application included a mitigation plan whereby consumptive depletions to Bear Lake would be mitigated by utilization of surface water rights from Fish Haven Creek, which are applicable to lands of members of the Company. This application for ground water to supply 241 homes in Phase II of the project contemplates similar use of Fish Haven Creek irrigation rights for mitigation.

Members of Sam's Hollow Water Company own shares in the Fish Haven Irrigation Company which provides water from Fish Haven Creek for irrigation of lands within the project. It is recognized that groundwater in the aquifer underlying the project is tributary to Bear Lake as is Fish Haven Creek. Additional consumptive use of water from the aquifer by pumping for the project can result in reductions of inflow to Bear Lake.

For Phase II of the Bear Lake Haven Project, it is estimated that the total annual diversion from ground water for project use will equal 197.0 acre feet and that the total annual depletion from irrigation of 27.9 acres of irrigation associated with houses and facilities and domestic in-house use will equal a maximum of 59.7 acre feet. An estimate of additional depletion of the water resource was made using procedures developed by Dr. Robert Hill. This procedure estimates depletions from home sites and condominiums, commercial development, and irrigation around facilities and accounts for depletions from in-house use, on-site wastewater treatment facilities, evaporation from lagoons receiving waste water from 152 of the lots, and irrigation consumptive use. The total depletion from planned facilities in Phase 2 of the project utilizing the Hill estimating procedure will equal a maximum of 59.7 acre feet per year assuming the St. Charles sewage lagoons are full containment (100% evaporation) systems.

To mitigate for additional consumptive use of ground water by the project, it is proposed to divert the Sam's Hollow Water Company shares of Fish Haven Irrigation Company but return sufficient volume of the diverted water directly to Bear Lake to mitigate for additional consumptive use on the project. Historically, water for project lands has been diverted through three ditches operated by the Fish Haven Water Users, namely the Upper North Ditch, and Ditches #1 and #3. Sufficient water thus diverted to project lands will be returned by pipeline and/or ditches to Bear Lake and will not be used for irrigation. It is therefore proposed to return 59.7 acre feet of water diverted from Fish Haven Creek during the irrigation season directly to Bear Lake to mitigate for any increased depletion by the project.

A water measurement and monitoring program will be maintained to assure that sufficient irrigation water diverted under Company owned shares in the Fish Haven Irrigation Company does, in fact, reach Bear Lake through pipelines and ditches constructed as part of the project. A pipeline with in-line totalizing flow meter will be installed at the lower end of the project to measure the flow being returned directly to Bear Lake. Reports of volumes of water returned to Bear Lake will be supplied to IDWR and any other interested parties.

Negotiations with the Board of Fish Haven Irrigation Company to allow use of diverted shares for return to Bear Lake to mitigate for increased project consumptive use have been held and they are in agreement with the proposal

Shares of Fish Haven Ditch Company, which are owned by members of Sam's Hollow Water Company, include 140.5 shares currently owned by Howard Johnson. There are 99.5 shares in the Upper North Ditch, 20 shares in the Number 1 Ditch, and 21 shares in the Number 3 ditch. Based on rotation data supplied by Leon Howell and Harry Michaelson of the Fish Haven Ditch Co., water from these three ditches would be available to the project on a rotation basis with the Upper North Ditch on 12.4 days out of a 31-day rotation period. Number 1 ditch would be on 2.5 days out of a 12.65-day rotation, and Number 3 ditch would be on 2.6 days out of a 31.65-day rotation. For a 150 day irrigation season, these three ditches would be on about 60.2, 29.6, and 12.4 days respectively or a total of 102.3 days total when one or more ditches would be delivering water to project lands. To mitigate for the Phase II project consumptive use of 59.7 acre feet, an average flow of 0.29 cfs or 14.5 miners inches for the 102.3 days would have to be returned directly to Bear Lake.

Using procedures developed by Robert Hill, mitigation of the 59.7 af of depletion would require that 50.6 acres of historically irrigated land be dried up. This would consist of any irrigated areas within the project upon which structures or roads would be built and other irrigated land taken out of production. The mitigation plan for Phase I of the project required mitigation for 50.4 af/year or an average flow of .25 cfs or 12.5 miners inches for the 102.3 days for which irrigation water is normally available to the Project. The combined Phase I and Phase II mitigation for depletion is therefore a maximum of 59.7 + 50.4 or 110.1 af/year. An average flow of 0.54 cfs or 27 miners inches for the 102.3 days will be required to be returned to Bear Lake.

Documentation of the amount of water available to the project through any of the three ditches will require water measurement and accounting of water deliveries throughout the season. Sam's Hollow Water Company will assist in installing additional water measurement and monitoring equipment on ditches diverting from Fish Haven Creek, and will install a water measuring and flow totalizing device on the return pipe or ditch to Bear Lake to assure that the required mitigation water does return to the lake. Diversions to project lands under the project's shares will continue as determined by the Board of Fish Haven Water Users and a water accounting and reporting program will be implemented by Sam's Hollow Water Company to account for all water mitigation water diverted directly to Bear Lake.

To estimate the affect of the additional wells in the aquifer on water levels and local well interference, observation wells were measured during the pumping tests of wells #1 and #2. A calculation of the drawdown effects of pumping an 8-inch diameter well at estimated maximum-pumping levels was performed.

During the pumping test of well #1 in November 2000, the well was pumped at a maximum rate of 138 gpm with a measured drawdown of approximately 88 feet. Two observation wells were measured during the eight-hour test. Observation well #1 was located in Fish Haven near the condominium complex south of the highway approximately 3382 feet south west of the pumped well. Depth to water was 4' 7" prior to the pumping test and did not change during the eight hours of pumping well #1. Observation well #2 was an unused 8 inch diameter well with a hand pump located 1065.7 feet north east of the pumped well near the intersection of the cemetery road and the highway. Depth to water before the pumping test was 15' 28 1/2". The water level in the well did not change during the pumping test of well #1.

Utilizing the drawdown and discharge data from the pumped wells, a computer program based on the Theis equation was used to estimate drawdown at various distances from a pumped well. This analysis showed the estimated drawdown at distances up to 1000 feet from an 8-inch diameter well pumping continuously at 300 gpm. The design maximum discharge for Phase II is 1.22 cfs (547 gpm) pumping from two or three wells.

The drawdown from a well pumping 300 gpm continuously for 50 days would be 1.84 feet at a distance of 1000 feet from the well. This estimate is conservative since the production wells will not pump continuously but will cycle on and off depending on the demand. A more likely scenario is that an individual well would pump one half the average daily domestic demand plus the irrigation demand of 200 gpm for 24 to 48 hours.

In which case, the drawdown caused by the pumped well would be imperceptible at 500 feet from the well.

The aquifer yield for both Phase I and Phase II is more than adequate to supply the domestic and irrigation demands of the project and local well interference will not be significant. Planned locations for wells in Phase II and Phase I are more than 1000 feet from any domestic or municipal wells.

DEPLETION ANALYSIS FOR PHASE 2 SAM'S HOLLOW WATER COMPANY REV 9/16/2003

Using "Procedures for Estimating Depletion of Municipal, Dairy, and Agricultural Crop Water Use in the Lower Bear River Basin in Idaho" by Robert W. Hill P.E.

Paper presented at Public Hearings July 2, 1997 in Preston and Soda Springs, ID and supplemented with 1998 paper

Calcs for Bear Lake Haven Subdivision by Brockway Engineering, PLLC Jan. 30, 2002

Based on precip., Consumptive Use, and Depletion for Bear Lake County, ID by R. Hill

Lot numbers within St Charles Sewer Dist obtained from Alex Hudson, 9/16/03

DOMESTIC POTABLE WATER - Home Sites with On-Site Sewage Disposal

Potable(culinary) water supplied from municipal system

Wastewater treatment by on-site systems (septic tank/drainfield-non consumptive)

No. of lots	54	municipal water & Individual on-site sewage		
Average occupancy	4	persons		
Average daily diversion demand - potable	100	gpcd		
Average daily demand-potable/connection	400	gpd	Utah avg day design vol.	
Daily Home Site volume	21,600	gpd		
Average annual percent occupancy	40.2	%		
Annual volume used	3,166,560	gal =	9.72	ac-ft
Percent depletion of culinary water-in house	5	percent		
Annual volume of culinary water in-house depletion	158328	gal =	0.49	ac-ft
Wastewater from cullinary in-house water use(to drain field)	3,008,232			
Est. percent depletion from drain field treatment**	10	%		
Volume of depletion from wastewater disposal(drainfields)	316656	gal =	0.97	ac-ft
Total depletion from home sites on septic tank/drainfields	474984	gal =	1.46	ac-ft

DOMESTIC POTABLE WATER - Home Sites with St Charles Sewer District Service

Potable(culinary) water supplied from municipal system

Wastewater to St Charles Sewer District

No. of lots	152	municipal water & sewer system		
Average occupancy	4	persons		
Average daily diversion demand - potable	100	gpcd		
Average daily demand-potable/connection	400	gpd	Utah avg day design vol.	
Daily Home Site volume	60,800	gpd		
Average annual percent occupancy	40.2	%		
Annual volume used	8,913,280	gal =	27.36	ac-ft
Percent depletion of culinary water-in house	5	percent		
Annual volume of culinary water in-house depletion	445664	gal =	1.37	ac-ft
Wastewater from cullinary in-house water use(sewer)	8,467,616			
Est. percent depletion from Lagoons**	100	%		
Volume of depletion from wastewater disposal(sewer)	8913280	gal =	27.36	ac-ft
Total depletion from home sites on sewer	9358944	gal =	28.72	ac-ft

Annual vol.depletion of culinary water-Homesites

9833928 gal = 30.18 ac-ft

C.E. Brockway P.E. Brockway Engineering P.L.L.C.

DOMESTIC POTABLE WATER - Condominium**No Condominiums in Phase 2**

Potable(culinary) water supplied from municipal system
 Wastewater treatment in regional system (lagoons)

Number of Buildings	0			
No. of Units	0			
Average occupancy	4	persons		
Average daily demand - potable	70	gpcd	Utah avg day	
Average daily demand-potable/unit	280	gpd		
Avg. Daily Condominium volume	0	gpd		
Average annual percent occupancy	40.2	%		
Annual volume used	0	gal =	0.00	ac-ft
Percent depletion of culinary water-in-house		5 percent		
Annual In-house depletion of culinary water-		0 gal=	0.00	ac-ft
Wastewater to regional sewer system-lagoons***		0 gal=	0.00	ac-ft
Percent of wastewater to lagoon evaporated		30 percent		
Annual wastewater evaporated		0 gal=	0.00	ac-ft

Annual vol.depletion of culinary water-Condominiums**POTABLE WATER - Commercial****No Commercial In Phase 2**

Potable water supplied by municipal system
 Wastewater treatment in regional system (lagoons)

Estimated Amount of Commercial Footage	0	sq ft		
GPD per 1,000 sq ft of Commercial Use	250	gpd/1,000 sq ft		
Average daily volume demand	0	gpd		
Average annual percent occupancy	100	%		
Annual volume*	0	gal =	0.00	ac-ft
Percent depletion of culinary water-in-house		5 percent		
Annual In-house depletion of culinary water-		0 gal=	0.00	ac-ft
Wastewater to regional sewer system-lagoons***		0 gal=	0.00	ac-ft
Percent of wastewater to lagoon evaporated		100 percent		
Annual wastewater evaporated		0 gal=	0.00	ac-ft

Annual vol.depletion of culinary water-Commercial

0 gal= 0.00 ac-ft

IRRIGATION

Irrigation water delivered by municipal system

Dpl=Et - SMco - Pef Dpl=depletion, Et=crop water use, Smco=soil moisture carryover

Pef=Effective precipitation(May-September)

Crop water use (Et)and Effective Precipitation(Pef) for Soda Springs, ID from R. Hill, 1997

Irrigated Area per lot	5000	ft^2		
Irrigated area for all lots	1030000	ft^2		
Irrigated area per condominium bldg	5000	ft^2		
Irrigated area for all condominium bldgs	0	ft^2		
Irrigated area for commercial	0	ft^2		
Total irrigated area	23.6	acres		
Depletion (Sprinkler-Turf Grass)**	15.00	inches (Bear Lake County) Hill 1998		

Annual vol. Depletion from Irrigation

29.56 ac-ft

Annual Project Depletion

Culinary-Homesites	30.2
Culinary-Condominiums	0.0

Commercial	0.00	
Irrigation	29.56	
Total Annual Project Depletion	59.7	ac-ft

Equivalent Acreage for Project Consumptive Use

Depletion for pasture grass**		14.20 inches (Bear Lake County) Hill 1998
	or	1.18 af/year
Project Total Annual Depletion		59.7 acre feet
Equivalent Irrigated Acreage		50.5 acres

** Includes carry-over soil moisture and adjustment for non-growing season Et (Hill, 1998, personal comm.)

*** Regional sewer system includes lagoons with outflow to wetlands and Bear Lake

* Depletion from on-site sewage disposal assumes some effluent may reach ground surface and contribute to vegetation Et or evaporation

EXHIBIT "D"

Guidelines for Mitigation of New Groundwater Development in the Lower Bear River Basin in Idaho

Introduction

Depletion of water by agricultural and other uses forms the basis for water rights accounting within the Bear River Basin (Amended Bear River Compact). Hydrologic realities on the Bear River below Bear Lake mandate that a careful accounting be made of any and all appropriated waters. Thus, depletions must be determined for any new applications to appropriate in order to fulfill the accounting requirements. Procedures for developing depletion estimates for Bear Lake, Caribou and Franklin Counties of Idaho areas in the Bear River Basin are included in the report "Procedures for Estimating Depletion in the Lower Bear River Basin in Idaho" (Jan 2003).

Mitigation Guidelines

1. New development must be depletion neutral. The depletion from new development must be mitigated by the retirement of a historical use of equal depletion. For example, this could be accomplished by the purchase of an existing agricultural water right and drying up of sufficient acreage to offset the depletion.
2. The effects of return flow (surface and/or sub-surface) must be the same with the new water use as occurred with the historical water use, since return flow contributes to downstream existing water rights.
3. The historical water right must not be enlarged per IDWR criteria.
4. Mitigation water shall be equivalent to the historical diversion minus adjustments (if any) to satisfy the preceding conditions. For example, an adjustment could be a credit for the continuation of historical return flows.
5. Monitoring of mitigation water (flow rate and/or volume) may require the use of an accurate water measurement device with totalizing capability. Records of mitigation water volume must be shared annually with PacifiCorp throughout the duration of the new use.
6. In dry years, if the well pumpage (accumulated volume or average flow rate) to satisfy the new use exceeds the water available from the historical right, then water use restrictions must be implemented to reduce demand to match supply. If this is insufficient to remedy the overdraft, the resulting deficit shall be carried over to the next water year (not to exceed three successive years) for remedy.
7. A mitigation plan shall be prepared which addresses each of the requirements of

paragraphs 1 - 6 above. A suggested outline for the mitigation plan is: I. Overview of Proposed Development; II. Summary Depletion Estimates; III. Mitigation Water Disposition (A. Source and Quantity, B. Depletion Accounting, and C. Return Flow Accounting); IV. Monitoring Provision; V. Other Considerations; VI. Attachments (including documentation of calculations).

Mitigation Example

The application is for groundwater to supply a proposed Resort/Recreation development in Bear Lake County (similar to Example III.C.1. of "Procedures ...", Jan 2003). The estimated depletion is 52 acre feet annually. The "new" depletion is offset by the purchase of an existing agricultural well and drying up of 30 acres ($30 = 52 / 1.74$, see Table 1, of "Procedures ...") of historically sprinkle irrigated alfalfa supplied by the well. The monitoring, in this situation, consists of verifying that the well is not used and that the specific alfalfa acreage has been "dried up" and remains non-irrigated through the duration of the new development. The mitigation water is equivalent to the historical diversion, pumpage, from the well.